PATTERNS OF POWER · THE ROMAN REPUBLIC

THE ROMAN REPUBLIC

The Complete Study · A landscape and twelve modules on four and a half centuries in which no one designed a constitution, and men in offices fixed the failure in front of them with the materials to hand

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with Claude (Anthropic) · 2026

held as tested, not revealed

PREFACE AND OUTLINE

Front matter · how this study was made, the disciplines it holds itself to, and a map of its thirteen parts

This is a case study in the *Patterns of Power* series, applying the series' framework to the Roman Republic, from the expulsion of the kings at the end of the sixth century BC to the settlement that replaced the arrangement four and a half centuries later. The framework is a lens for reading how any order of power is founded, dressed, and held: the floor of force beneath every order, the robe of doctrine laid over the floor, the settlement that divides the spoils, the cost column in which each subject prices defection, the default by which an elite coordinates without instruction, and — running through all of it — position-logic, the proposition that rulers in like positions converge on like solutions because a position poses a problem with only a few good answers.

Rome was chosen because it is the series' hardest case for the ordinary reading of institutions, and its best case for position-logic. No one designed the Roman constitution. There was no founding document, no charter, no lawgiver; there was a sequence of men in offices, each fixing the failure that had just occurred with whatever lay to hand, and calling the fix ancestral. The Romans said so themselves and this study takes them at their word. Polybius, watching from inside the households of the second-century nobility, wrote that they had reached their arrangement not by reasoning but through the discipline of many struggles and troubles. Cato, through Cicero, said it was the work not of one man's genius but of many, and not of one lifetime but of several centuries. And the emperor Claudius, cataloguing its instruments to the Senate on a bronze tablet — the dictatorship, the tribunate, the board of ten, the military tribunes with consular power — used the same word for each of them: *repertum*. Hit upon. The study reads every Roman office and every Roman law as the answer some identifiable men gave to a problem that had just arrived in front of them, from the position they occupied, with the materials they had, weighing what they wanted against what it would cost them.

The study was built the way the series is built, one module at a time. The author brought the framework, the direction, and the judgement of the whole, and held the collaboration to its disciplines; Claude, Anthropic's model, did the research — verifying every load-bearing quotation, date, and figure by web search against a source

reproducing the primary text before any module was written — and produced the drafts, each presented and confirmed before the next was begun. The framework's concepts are the series'; the Roman application, and the refinements it yielded, are the work of the collaboration.

Where the method had to bend

The series' engine is the method of information asymmetry: the exact public words set beside the exact words of the ground, the arithmetic laid out and the sum left to the reader. In the colonial studies the gap runs across water, between what the metropole was told and what the conquered lived, and the order's central task is keeping the two ends apart.

Rome has no such geometry, and the difference governs the whole study. There was no metropole. The man who governed Sicily sat in the Senate the following year; the men who voted the war fought it; there was no distant public whose belief had to be managed and no home government whose will could empty. So the gap had to be looked for elsewhere, and it was found in three places. It runs between the tiers of an order that priced the same physical act — binding, flogging, killing — at four entirely different rates according to the legal status of the body it was performed on, and said so aloud in open court. It runs between the men who were physically in the Forum on a voting day and the several hundred thousand citizens who were not, in a state that never invented representation. And it runs, most revealingly of all, inside single documents and single men: an augur writing in one paragraph that the birds foretell nothing and that the consul who acted as though they foretold nothing deserved every punishment; a magistrate's monument boasting in consecutive clauses that he returned nine hundred and seventeen human beings to their owners and was the first to make herdsmen give way to ploughmen.

The disciplines

Five rules govern every module.

Quotation. Public-domain primary sources — laws, decrees, inscriptions, speeches, letters, and the historians of the period — are quoted exactly, in Latin or Greek with translation, at the length the argument needs, because in a legal fiction the precise wording *is* the evidence. Modern copyrighted scholarship is paraphrased, briefly, and credited.

No fabrication. No quotation, date, attribution, or figure is ever invented or reconstructed from memory. What cannot be verified is dropped or flagged, never

guessed; contested figures are given as ranges. This discipline bites unusually hard here. Rome produced no historian until about 200 BC, four centuries after the Republic began; Livy himself opens his sixth book by explaining that the records perished when the Gauls burned the city. The conventional dates — 509, 494, 451, 390, 367 — belong to a chronology assembled in the first century BC and padded with years modern scholarship largely regards as invention, and this study treats them as labels for particular consular years rather than as positions on a calendar. Where a module depends on the fifth century, it depends on the shape of an institution and not on the annalists' story.

Gravity without partisanship. Suffering is held with gravity, and the study refuses both flattery and demonisation — it names the legal fiction as fiction and explains the order's logic without excusing it. Its recurring watchword is *legibility is not pardon*: to understand how a thing was done is not to forgive its being done.

Contribution. Every module returns a refinement to the framework, stated plainly in its closing section, rather than merely applying the framework to the case.

Held as tested, not revealed. The pattern is treated as something discovered and tested against the evidence, not handed down as doctrine — a lens laid over the record, a tendency and never a law. The final module states the strongest case against the study's own method and concedes what has to be conceded.

What Rome added to the framework

Because Rome is an internal capture rather than a conquest arriving from outside, it exposed features of the framework that the colonial cases obscure, and one feature ran under all of them.

The Republic's characteristic move was to decline to build the instrument, and let the gap be filled by something already present. It never wrote a constitution; the supreme authority was unwritten precedent, interpretable by every member of the governing class. It never built a mechanism to compel a magistrate; the gap was filled by the man's own expectation of forty years in the Senate afterwards. It never divided the bulk of the conquered land; the gap was filled by whoever had the herds and the standing to occupy it. It never built schools, a revenue service, an audit of its governors, or a court to defend a liberty. Each omission was cheap on the day it was made, which is why it was made — and each had the same long property, that the party who fills a gap accumulates a position which cannot afterwards be revoked, because there was never an instrument to revoke.

From that root the study drew its refinements: that where a capture is internal the robe is re-tenanted rather than replaced, and the way to detect one in a thin record is to

inventory what the new order left standing; that before reading a quiet order as a believed one, one must establish which way its floor is pointing; that a settlement made by silence can only be undone by a fight; that a procedural robe is strongest where least used, inverting the surveillance tell; that formation by household apprenticeship excludes automatically and needs no policy; that a cost column is not emptied but relocated; that extraction without an apparatus is licensed rather than performed, and accrues to its licensee; that where sovereignty requires physical presence, distance is disenfranchisement and no censorship is required; that a durable default distributes renewable chances rather than fixed shares, so its health is measured by the cost of losing; that the liberties an order possesses map onto what its second tier needed to win its fight with the first, and fail when their enforcers stop acting rather than when they are repealed; that a rising can lose without losing militarily; that the exhaustion crack can run backwards, an order being broken by wars it wins; that an apex change repricing no stratum beneath it is the cheapest structural change available and therefore the one that succeeds; that a grim accounting cannot be netted where the two columns carry different names; and, gathering all of them, that an order's characteristic failure is usually its characteristic strength, arriving later.

The arc

A landscape opening and twelve modules, each with a framework function and its own evocative title.

Landscape — the two orders on the eve. **The Temple the Kings Built.** A city made by kings whom Rome's own tradition remembered as armed foreigners, taken over by the men who had served them, who razed nothing: the tyrant's temple consecrated, the king's house, priest and calendar retained, and one feature altered — the tenure and singularity of command.

1 — The Floor of Force. **The Axe Left at the Boundary.** A militia of propertied citizens who bought their own weapons and went home at harvest, whose commanders' lictors carried an axe outside the sacred boundary and removed it within: a floor composed of the governed and pointed outward.

2 — The Settlement. **Herdsmen Gave Way to Ploughmen.** Conquered land declared public, part surveyed into grants that manufactured soldiers, and the larger remainder left open to whoever could occupy it: a settlement made by omission, and therefore recoverable only by killing.

3 — The Robe. **The Chicken-Keeper Reports Back.** A state religion with no revelation, no scripture and no clergy, whose priests were its senators: a procedural robe

producing validity rather than obedience, load-bearing exactly as long as nobody leant on it.

4 — Formation. **What They Wished Their Children to Learn.** No schools to withhold, a pipeline made of private houses, and two censors publishing an edict against schools that taught public speaking in Latin to whoever paid the fee.

5 — The Cost Column. **The Cross They Kept for Slaves.** Four price lists running at once; the citizen's direct tax abolished in 167 BC and a hundred and fifty thousand Epirotes sold in the same year; and the tariff recited in open court by the order's own reformer.

6 — Extraction. **Fifty Million, and Now Eighty-Five.** A state with no revenue service, auctioning the right to collect and leaving the spoils to the man who took them — and the Republic's national accounts carried through Rome on placards in one citizen's triumph.

7 — Information and Suppression. **Where It Can Most Easily Be Known.** A vote that had to be walked to, a discussion whose speakers the presiding magistrate chose, and an apparatus that could nail a decree to a wall in Bruttium and could not audit a governor.

8 — Elite Coordination and the Default. **Twelve Months, and Then Forty Years.** An arrangement whose product was renewable turns, enforced by nothing but a magistrate's expectation of four decades among his peers — and the clause in Sulla's statute that made defeat heritable and inverted the whole calculation.

9 — Plurality or Foreclosure. **The Days on Which Business Could Be Done.** Strong protection of the body, none whatever of the voice; every protection traced to a faction that needed it, including the freedman's son who posted the calendar of court days on his patrician patron's authority.

10 — Change and Collapse. **Two Seats, and Nine Hundred Men.** Slave armies that beat consular armies and changed nothing; a senate that tripled over an apex that never moved; and an order destroyed by the wars it won.

11 — The Grim Accounting. **In the Same Year.** Carthage and Corinth ended in 146 BC, the ancient totals for Gaul given as the propaganda they are, the standing cost that was not an event — set against the law, the roads, the expandable citizenship and the *res publica* itself.

12 — Convergence and Divergence. **The Instrument They Never Built.** Rome placed among the conquests in the collection; the omissions shown to be the same thing as the capability; and the strongest case against the study's own method — that Romans believed in the arrangement, and that Sulla, who had destroyed every

constraint upon himself, laid down the dictatorship anyway — stated in full and answered without flinching.

A note on sources. This front matter is descriptive and makes no primary-source claims of its own; every factual assertion about the case is established, with its sources, in the module it summarises. The framework it describes is the series'; the disciplines it lists are the ones the modules hold themselves to and document in their own closing notes. The account of change in Module 10 leans on the series' own *Elite Chaos*, which in turn leans on Skocpol on state breakdown and on Goldstone and Turchin on elite overproduction. *Part of the collection* Patterns of Power. *Tested, never revealed.*

THE TEMPLE THE KINGS BUILT

Landscape · The two orders on the eve — the monarchy that made Rome a city, and the thing its own aristocracy put in the king's place, which was never a constitution but a habit of precedent under which every new device had to be presented as an old one

The first debt this study owes its reader is a plain statement of what the evidence actually is, paid once and then not raised again.

Rome produced no historian until about 200 BC. The first was a senator, Quintus Fabius Pictor, who had fought the Gauls in 225 and been sent to consult the oracle at Delphi after the catastrophe at Cannae in 216, and who wrote an account of his city from the arrival of Aeneas down to his own war — in Greek, for a Greek readership that had lately begun to want to know what these Romans were. His book is lost and survives only in the quotations of the men who used it. Everything the Roman tradition says about the four centuries before Fabius was therefore first committed to writing, at the earliest, four hundred years after the events it narrates, largely by men who belonged to the very families whose deeds were being recorded.

Livy says as much himself. Opening his sixth book — the book that begins after the Gauls had burned the city — he stops to explain why what follows will be firmer than what has gone before:

> *"...res cum vetustate nimia obscuras velut quae magno ex intervallo loci vix cernuntur, tum quod rarae per eadem tempora litterae fuere, una custodia fidelis memoriae rerum gestarum, et quod, etiam si quae in commentariis pontificum aliisque publicis privatisque erant monumentis, incensa urbe pleraeque interiere."*
> *"...matters obscured by their great age, like things scarcely made out across a great distance of ground; and because writing was rare in those same times, writing being the one faithful guardian of the memory of things done; and because whatever stood in the pontiffs' commentaries and in other public and private records, most of it perished when the city was burned."*

Then he promises that from the city's *secunda origo*, its second beginning, the account will be clearer and more certain.

Two consequences follow, and the second is the more useful. The first is the obvious one: the annalistic account of the fifth century is not evidence for the fifth century. It is excellent evidence for what men of the late Republic and the early Principate believed,

needed, and found it convenient to believe about the fifth century, which is a different and still valuable thing. The second is that the dates are not dates. The chronology in ordinary modern use — the city founded in 753, the kings expelled in 509, the Twelve Tables in 451–450, the Gauls in the city in 390, the first plebeian consul in 366 — is the Varronian scheme, assembled in the middle of the first century BC, adopted for the great inscribed consular list set up under Augustus, and built by counting backwards along the roll of consular pairs, padded where the count fell short with so-called dictator-years that modern scholarship largely treats as invention. In the early period it appears to run some years behind whatever occurred. The soundest way to hold these numbers, and the way this study will hold them, is as labels attached to particular consular years rather than as fixed positions on a calendar.

Three bodies of evidence are nonetheless real and this study leans on them. There is the archaeology of the city and of Latium, transformed since the middle of the twentieth century and now able to date the physical growth of Rome independently of anything Livy says. There are the few contemporary inscriptions, which are worth more than their length suggests precisely because nobody edited them afterwards. And there is the institutional record from roughly the middle of the fourth century onward, where the magistrate lists and the surviving legislation become usable and the argument can be built on something firmer than a family's memory of itself. Where the fifth century is discussed here it will be discussed as a problem, not as a narrative.

A ford, a road, and a hill you could hold

Before any of the institutions, there is a site, and the site is the first thing that hands anyone standing on it a set of options.

Rome sits at the last practicable crossing of the Tiber before the sea, some fifteen miles upstream of the river's mouth, on the left bank at a bend where an island breaks the current and a ford could be worked. The river was navigable up to that point for the small craft of the archaic Mediterranean, so goods coming off the Tyrrhenian could be landed in the low ground between the Capitoline and the Aventine — the district the Romans later called the Forum Boarium, the cattle market — and goods moving overland between Etruria to the north and Campania to the south had to cross the river there or go a long way round. Cutting across that traffic came a second and older route: the track by which salt from the pans at the river's mouth was carried inland to the Apennine peoples, which the Romans knew as the Via Salaria and which the tradition held to be older than the city. Above the crossing stood a group of steep-sided tufa hills that could be defended cheaply and a set of marshy valleys that could not be ridden through.

None of this made Rome's rise inevitable, and the study will not argue that it did. What geography of this kind does is narrower and more interesting. It hands whoever holds the hills a specific menu: a share of somebody else's trade taken as a toll rather than earned, a defensible core, and a permanent frontier problem, since a crossing worth holding is a crossing worth taking. Rome sat on the edge of Latium looking north across the river at the Etruscan cities, which in the seventh and sixth centuries were richer, more urban, and further along in every craft that mattered; east into the hills where the Sabines, and later the Aequi and Volsci, came down for the same reasons anyone comes down out of hills; and south across the Latin plain toward a scatter of communities speaking the same language, sharing the same festivals, and constituting simultaneously Rome's natural allies and its natural first conquests. The position was good and it was exposed, and both halves of that sentence do work later.

The order the Republic replaced was itself a conquest that had become the world

There was no aboriginal Rome for the Republic to return to, and this matters more than it sounds.

The archaeology gives a village of post-built huts on the Palatine and the surrounding heights in the eighth century, burying its dead in the marshy valley below in a manner shared across Latium and recognisably continuous with the Iron Age cultures around it. What happened next was fast. In the second half of the seventh century the valley was drained and levelled and the burials cleared out to make a paved common space; from about 600 the stone buildings begin; through the sixth century the settlement acquires monumental sanctuaries, an architecture of terracotta revetments and painted plaques made in the Etruscan manner, a temple at the Forum Boarium that is the earliest known in the city, and an ordered civic centre with an assembly ground at one end and, on the slope beneath the Palatine, an irregular courtyard building the Romans afterwards called the Regia, the king's house. A cluster of huts became a city inside roughly a century, and it did so by importing wholesale the techniques, the gods' housing, the craftsmen, and much of the vocabulary of civic display from the wealthier culture across the river.

That the men who presided over this were called kings is not in doubt, because one of them left the word in stone. Beneath the black paving that later covered a corner of the assembly ground, excavators working in 1899 and 1900 found a broken pillar of grey tufa carrying an inscription in archaic Latin, written in alternating directions as the archaic Greek habit was, and dated on the letter forms and the material to

somewhere around 570 to 550 BC. Most of it is unintelligible and honest editors say so. But among the legible fragments are *sakros esed* — that something is or shall be sacred — and *kalatorem*, a herald, and *iouxmenta*, draught animals, and, in the dative, *recei*: to the king. It is the earliest substantial Latin text from the city, it stands in the place where the Republic would later hold its assemblies, and it is addressed to a king.

Who those kings were, the Romans themselves could not entirely agree, and their disagreement is the most valuable thing in the tradition. The line was not dynastic; the tradition insists on that, and insists further that the kings kept arriving from outside. On the Roman account Numa came from the Sabines, and the Tarquins from the Etruscan city of Tarquinii, the elder of them the son of a Corinthian emigrant. Servius Tullius, the king credited with organising the citizen body for war, was born to a captive woman.

The sharpest surviving statement of this comes from an unlikely place: a bronze tablet dug up in a Lyon vineyard in 1528, carrying the text of a speech the emperor Claudius made to the Senate in AD 48, arguing that leading men of Gaul should be admitted to it. Claudius, who had been tutored by Livy and had written on Etruscan antiquities, made his case from Rome's own origins:

> *"Quondam reges hanc tenuere urbem, nec tamen domesticis successoribus eam tradere contigit. Supervenere alieni et quidam externi, ut Numa Romulo successerit ex Sabinis veniens, vicinus quidem, sed tunc externus..."*
> *"Once kings held this city, and yet it did not fall to them to hand it on to successors of their own house. Outsiders came in, and some of them foreigners — as Numa succeeded Romulus, coming from the Sabines, a neighbour indeed, but at that time a foreigner..."*

He goes on to Tarquinius Priscus, kept from office in his own city on account of his mixed blood, who *"postquam Romam migravit, regnum adeptus est"* — after he moved to Rome, obtained the kingship. And then, because he could not resist the antiquarian point, he gives the Etruscan version of Servius Tullius, which is not the Roman one:

> *"...insertus Servius Tullius, si nostros sequimur, captiva natus Ocresia; si Tuscos, Caeli quondam Vivennae sodalis fidelissimus omnisque eius casus comes, postquam varia fortuna exactus cum omnibus reliquis Caeliani exercitus Etruria excessit, montem Caelium occupavit... mutatoque nomine, nam Tusce Mastarna ei nomen erat, ita appellatus est."*
> *"...then comes Servius Tullius, born — if we follow our own writers — of the captive woman Ocresia; if we follow the Etruscans, once the most faithful companion of Caeles Vivenna and the comrade of all his fortunes, who, after*

shifting luck drove him out, left Etruria with all that remained of Caeles's army, occupied the Caelian hill... and changed his name, for in Etruscan his name had been Mastarna, and so he was called as I have said."

An emperor of Rome, in a bronze inscription set up in Gaul, records that the sixth king of Rome may have been an Etruscan war-band leader who arrived with the remnant of a defeated army, took a hill, changed his name, and ended up ruling the city. Whether that is what happened is not the point here, and it cannot be established. The point is what it tells us about the order the Republic replaced: that Rome's own most learned tradition understood its formative century as a period in which armed strangers arrived, took the top position, and were afterwards absorbed so completely that the institutions they installed were simply what Rome was. The kings' city was itself a build laid over an earlier and simpler one, and by 509 nobody in Rome experienced the calendar, the priesthoods, the assembly ground, the great temple on the hill or the very word *rex* as the residue of anybody's conquest. They were the furniture of reality. Naming that origin does not make the order fake or its inheritors dupes; it makes it a thing that was constructed and then became genuinely real, which is a sturdier condition than a lie.

What the expulsion took, and what it carefully left standing

The overthrow is where the tradition is least usable and where the physical evidence is most eloquent, because the two point in different directions.

The story Rome told itself is a story about a rape and a tyrant: Sextus Tarquinius violates Lucretia, she kills herself, Lucius Junius Brutus raises the city, the royal family is driven out, two annual magistrates replace the one king, and an oath is sworn that no man shall ever again be king at Rome. It is a foundation legend serving a much later constitutional argument, and it does a specific job — it makes the removal of a monarch an act of outraged virtue rather than what such removals usually are, which is a quarrel inside the ruling group over who holds the top position.

Set beside it the inventory of what the new order kept.

It kept the temple. The vast sanctuary on the Capitoline, dedicated to Jupiter with Juno and Minerva beside him, was begun by Tarquinius Priscus and brought near completion by Tarquinius Superbus — the tyrant himself — on a podium of roughly sixty-two by fifty-three metres, the largest temple of its kind ever built in Italy, its cult image made by an Etruscan sculptor from Veii. The Republic did not raze it or rededicate it to some new civic deity. It finished the tyrant's building and consecrated it, by the tradition on the thirteenth of September in the Republic's own first year, the

honour falling by lot to one of the two new magistrates. For the next five centuries every triumph in Rome ended on its steps. The single most sacred structure of the free state was the last king's construction project.

It kept the king's house. The Regia stayed where it was, and the tradition and the architecture agree that it stopped changing at about this point and simply persisted.

It kept the king. Not the man — the office, hollowed out and made harmless. A priesthood called the *rex sacrorum*, the king of sacred things, held the sacrificial duties the king had held, was drawn for life from the patrician families, announced the divisions of the month, was based in the Regia, and stood first in the ranking of Roman priests. And he was debarred, absolutely, from holding any magistracy or command whatever. Whether this office was created at the founding of the Republic, as Momigliano argued, or already existed alongside the king, is genuinely disputed and should not be resolved here. What is not disputed is its shape, and the shape is the finding: a king retained for everything the gods were thought to require and forbidden everything a rival would want. When the magistracies failed and no consuls were in office, the Senate did not improvise; it appointed an *interrex*, a between-king, in a rotation of five-day holdings, using a title and a procedure that only make sense as inherited machinery.

Read as a set of decisions rather than as a birth of liberty, the pattern is clean and entirely ordinary. The men who removed the Tarquins did not object to the apparatus of the order; they had grown up inside it, they staffed it, their standing came from it, and they had no rival apparatus to install. They objected to one feature of it — that a single man held the whole thing for life, and could therefore use it against them. So they left every part that did not threaten them exactly where it stood, and attacked the one part that did, by three moves whose logic requires no theory: they made the top office annual, so no holder could accumulate; they made it collegiate, so each holder had a colleague who could stop him; and they stripped its sacred functions off into a priesthood that could never hold command. This is not a constitution. It is a group of men in a position solving the specific problem in front of them with the materials to hand — and the materials to hand were a monarchy, so what they built was a monarchy divided by two and reset every year.

Not a document, but a habit

Whatever the Republic was, it was never written down.

There is no Roman constitution — no charter, no founding instrument, no text a Roman could have pointed to. The nearest thing the Republic ever produced was the Twelve Tables, traditionally of 451–450 BC, which survives only in later quotation and

which is in any case a code of private law and procedure, not a scheme of government. What Romans had instead was *mos maiorum*, the custom of the ancestors: an unwritten, unenumerated, continually reinterpreted body of precedent about how things were properly done, carried in the memory of the families who did them and enforced by the same men's judgement of one another. Ennius put it in a line that Cicero thought had the compression of an oracle, and that later Romans quoted the way a modern state quotes a preamble:

> *"Moribus antiquis res stat Romana virisque."*
> *"On ancient customs and on men the Roman state stands."*

This is the robe in its earliest form, and its consequences are structural rather than decorative. An order whose supreme authority is precedent is an order in which nothing can be openly invented, because an admitted innovation is by definition without authority. Every genuinely new device must therefore arrive dressed as a restoration, a clarification, or an application of what the ancestors would obviously have wanted — which means that the record of a state like this will systematically understate how much was being made up, and that the historian reading it will be handed a picture of stately continuity laid over a century of improvisation. It also means the interpreting is worth having, and that whoever gets to say what the ancestors did holds something real.

The Romans who thought hardest about their own arrangement said this themselves, without embarrassment, and their testimony is the spine of this study. Cicero puts into Scipio's mouth an argument he attributes to Cato the Elder, that Rome's arrangement was better than the Greek states' precisely because theirs were each the work of one lawgiver and Rome's was not:

> *"...nostra autem res publica non unius esset ingenio, sed multorum, nec una hominis vita, sed aliquot constituta saeculis et aetatibus. Nam neque ullum ingenium tantum extitisse dicebat, ut, quem res nulla fugeret, quisquam aliquando fuisset, neque cuncta ingenia conlata in unum tantum posse uno tempore providere, ut omnia complecterentur sine rerum usu ac vetustate."*
> *"...but our commonwealth was set up by the genius not of one man but of many, and not in one man's lifetime but across several centuries and generations. For he used to say that no genius had ever been so great that nothing escaped him, nor could all the geniuses in the world put together, at one time, provide for everything, without the practical experience of affairs and the test of time."*

Polybius, a Greek hostage who watched the machine at close quarters in the second century and admired it more than any Roman needed him to, made the same observation as a criticism turned into a compliment. Lycurgus, he says, worked his Spartan constitution out by reasoning, untaught by adversity; the Romans arrived at the same end

> *"not by any process of reasoning, but through the discipline of many struggles and troubles, and by always choosing the best course in the light of the experience gained in disaster."*

And Claudius, on that bronze at Lyon, simply lists the thing as a sequence of inventions, each with its occasion, in the voice of a man reciting a maintenance log:

> *"Quid nunc commemorem dictaturae hoc ipso consulari imperium valentius, repertum apud maiores nostros, quo in asperioribus bellis aut in civili motu difficiliore uterentur? Aut in auxilium plebis creatos tribunos plebei? Quid a consulibus ad decemviros translatum imperium, solutoque postea decemvirali regno ad consules rursus reditum?"*
> *"Why should I now recall the dictatorship, a power stronger than the consulship itself, devised among our ancestors so that they might use it in harsher wars or in more difficult civil disturbance? Or the tribunes of the plebs, created as a help to the plebs? Or the command transferred from the consuls to the board of ten, and then, when the rule of the ten was dissolved, returned to the consuls again?"*

Repertum apud maiores nostros — found, devised, hit upon. Not ordained, not established at the founding, not derived from principle. Hit upon, because a harsher war came. That sentence is the method of this study stated by a Roman, and everything that follows is an attempt to take it seriously: to read each Roman office and each Roman law not as a piece of constitutional design but as the answer some identifiable men gave to a problem that had just arrived in front of them, from the position they occupied, with the materials they had, weighing what they wanted against what it would cost them.

The year had no number

One last feature of the order should be set down before the modules begin, because it is easy to walk past and it organises everything else.

Rome did not number its years. A Roman dated an event by naming the two men who had held the consulship: in the consulship of so-and-so and so-and-so. Counting from the founding of the city is a late antiquarian construction, useful to scholars and

never the ordinary currency of daily life. What served as the state's calendar, therefore, was a list of the men who had held its highest office — an honour roll of the governing families, consulted for the date of a battle or a contract, recited at funerals, and inscribed in marble.

The consequence is worth holding in the hand for the whole study. Office at Rome was not heritable: the consulship was annual, held by two men, filled by election, and hedged about with intervals. Standing was heritable: a man whose ancestors had held the office carried that fact in his name, in the masks kept in his hall, and in what the city assumed about him. So a Roman aristocrat inherited not a position but an expectation — and the only way to discharge it was to win the office again, in public, against other men carrying exactly the same inheritance and exactly the same debt. A state that dates its own history by the roll of its office-holders has made success in that competition the measure of time itself.

What that arrangement cost, and whether it is the engine of everything that follows, is the question of the modules on coordination and collapse, and it is not to be answered here. It is enough, on the eve, to notice the shape: a city built by kings, taken over by the men who had served them, running on a body of custom nobody had written and everybody could interpret, with a top office designed to be impossible to keep and a social order designed to make keeping it the only thing worth doing.

Reading the eve against the framework

Two things in this landscape ask something of the framework rather than merely illustrating it.

The first concerns the recursion — the rule that a conqueror never meets a timeless baseline, only an earlier conquest that has been naturalised until it looks like the way the world is. Rome confirms the rule and then adds a case the collection has not yet had to handle, because here the takeover is *internal*. Every conquest in the corpus so far has involved a stranger arriving: a stranger who must either capture some existing seat of authority, or, failing that, manufacture collaborators and pay for them in force. The Republic was not that. It was the coordinating class of an order taking the apex away from the man sitting in it — and the tell is precisely the inventory of what survived. An external conqueror keeps what he cannot replace and destroys what threatens him; an internal one keeps almost everything, because he was formed by the order he is capturing, his own standing is denominated in its currency, and he has no rival furniture to install. Hence the pattern here: the tyrant's temple consecrated rather than razed, the king's house left standing, the king's priesthood retained and disarmed, the king's procedure for a vacancy preserved under the king's own title, and exactly one

feature altered — the tenure and singularity of command. The proposition the case offers, to be tested against the rest of the corpus, is that **where the capture is internal the robe is not replaced but re-tenanted**, and that the surest way to identify an internal capture in a thin record is to inventory what the new order left standing rather than what it claimed to have swept away.

The second concerns the robe itself. The framework expects a legitimating story that says what the ruler is and why he may command, borrowed from a currency the necessary audience already honours. Rome's is stranger and cheaper than that: not a doctrine about the rulers at all, but *mos maiorum*, an unwritten and unenumerable body of ancestral practice, held by no priesthood exclusively and interpretable by every member of the governing class. This is an unusually low-cost robe, since it requires no theology, no revelation, no founder's book, and no professional interpreters to maintain — the men who govern are themselves the ancestors' heirs and therefore the ancestors' authorised readers. It is also, for the same reason, an unusually contestable one, since nothing settles what the ancestors actually did except an argument among men each of whom has a position to defend. And it imposes a permanent tax on the record: in an order whose only warrant is precedent, no innovation may be announced as an innovation, so the archive will always report more continuity than there was. The discipline this study will carry from here is therefore to treat every claim of ancestral practice as a move made by somebody, and to ask, of each new Roman device, not what principle it expressed but what had just gone wrong.

A note on sources. All primary quotations above are from public-domain texts and are given as the standard editions reproduce them. Livy's statement on the loss of the records is from *Ab Urbe Condita* 6.1; the Cato passage is from Cicero, *De Re Publica* 2.1.2, and the Ennius line from *De Re Publica* 5.1 (the verse itself surviving only in Cicero's quotation of the *Annales*). The Polybius passage is 6.10.12–14, given here in a light rendering of the standard English translation; his description of the Roman state as one that grew naturally is at 6.9.12–13. Claudius's speech is the bronze tablet found at Lyon in 1528 (CIL XIII 1668 = ILS 212), delivered to the Senate in AD 48. The archaic inscription is the cippus recovered beneath the Lapis Niger in the Comitium by Giacomo Boni in 1899–1900, dated on letter forms and material to roughly 570–550 BC; only isolated words of it are securely legible and its overall sense remains disputed, and nothing is claimed here beyond the words quoted. The Capitoline temple's podium is given at approximately 62 × 53 metres on the surviving foundations; the dedication date of 13 September in the Republic's first year is Livy's, with Dionysius of Halicarnassus and Tacitus placing it two years later, and the discrepancy is left standing. Fabius Pictor's figure of 80,000 adult male citizens at the end of the regal period,

reported by Livy, is rejected as implausible by modern scholarship and is not relied on here; no figure for Rome's early population or territory is asserted, because the estimates vary widely. On the Varronian chronology as a first-century-BC construction incorporating dictator-years now generally regarded as fabricated, and on the resulting instruction to treat its dates as labels for consular years, the study follows Cornell and Forsythe. On the disputed origin of the *rex sacrorum*, both positions are noted and neither adopted. Modern scholarship (Cornell, Beard, Forsythe, Momigliano, Hölkeskamp, Terrenato and the S. Omobono excavators) is paraphrased and credited, not quoted at length. Where a figure or provenance could not be confirmed it has been left out.

THE AXE LEFT AT THE BOUNDARY

Module 1 · The Floor of Force — a militia of propertied citizens who bought their own weapons and went home at harvest, commanded by men they elected for a single year, whose lethal authority was stripped by ritual at the city wall and reassembled in one pair of hands whenever the wars went badly enough

Most orders in this collection can be dated to an act. A battle is won, a capital is entered, a treaty is signed at gunpoint, and from that morning the floor exists. Rome offers nothing of the kind, and the absence is the first finding rather than a gap in the evidence.

What the Republic had instead was a campaigning season. The consuls entered office, the levy was called, the army marched out in spring, fought whoever the year's quarrel was with, and came home for the harvest; then it happened again the following year, and the year after that, for roughly two and a half centuries before Rome held all of Italy. The tradition preserves the ritual apparatus of this — the priestly college that formalised the demand for redress and the declaration of war, the annual opening of the season, the return and the dedication of spoils — and what the apparatus tells you is that war at Rome was not an emergency requiring a decision but a calendar item requiring an object. The question each spring was not whether to fight but whom.

If a single act must be named as the founding of the floor, it is not the expulsion of the kings but the settlement imposed in 338 BC at the end of the war against the Latins. Rome had for a century and a half been the largest member of a league of Latin communities bound by shared festivals, mutual rights of trade and marriage, and a treaty of joint defence and equal shares of plunder. It won the war of 340–338 against its own league, and then did something more consequential than winning. It dissolved the league and replaced the single collective treaty with a set of separate bilateral arrangements, each cut to the individual community and graded by how that community had behaved. Some — Tusculum, Lanuvium, Aricia — were absorbed into the Roman citizen body outright. Others received citizenship without the vote, *civitas sine suffragio*: the obligations of a Roman, including the obligation to serve, without any share in choosing the men who would command them. Others remained formally independent allies bound to supply troops, forbidden to make war or alliance on their own account. Antium surrendered its warships. And running through the

whole settlement was the clause that did the real work: the Latin communities retained their rights of trade and intermarriage *with Rome*, and lost them with one another.

That is the founding act, and its logic requires no theory of empire. A group of men who have just fought a coalition of neighbours, and nearly lost, are looking at the problem of how to stop the coalition re-forming. They cannot garrison thirty towns; they have no standing force to garrison them with. What they can do is take away the thing that made a coalition possible, which was not any army but the horizontal ties — the shared council, the common festival, the right of each town to deal with the others. Every relationship in Latium was thereafter to run through Rome and nowhere else. The arrangement was cheap, it required no occupation, and it converted a league of thirty potential enemies into thirty separate suppliers of soldiers. Within seventy years the same template had been extended across Italy.

The army was the citizen body, and the citizen body was the army

Here the case departs from nearly everything else in this collection, and the departure has to be stated plainly before anything else in the module makes sense.

Rome had no standing army, no police, no garrison in the city, and no permanent armed force of any kind for the first four centuries of the Republic. What it had was a levy. Each year the consuls announced a day; the men liable presented themselves; they were sorted, sworn, and sent to fetch their equipment; and at the end of the season they went home to their farms and the army ceased to exist. The men who composed the floor and the men who lived under it were the same men.

Liability ran by property. The tradition ascribes the arrangement to the sixth-century king Servius Tullius and describes it in detail — five classes assessed at 100,000, 75,000, 50,000, 25,000 and 11,000 *asses*, each class self-equipping to a specified standard, the first in helmet, breastplate, greaves, round shield, spear and sword, the fifth with slings and stones, and below the fifth a residue exempt from service and from tax alike. Modern scholarship treats the scheme as substantially retrojected: the monetary valuations belong to a later economy, the fit with sixth-century conditions is poor, and the rigid link between census rating and equipment is almost certainly tidier on the page than it was in the field. What is not in dispute is the principle underneath, which is attested for the middle Republic and is the thing that matters. **A man served according to what he could afford to arm himself with, and a man too poor to arm himself did not serve.** Polybius, writing in the second century from inside the system, gives the threshold as a census of four hundred drachmae, below which men were used for naval service; he gives sixteen years' liability for the infantry and ten for the cavalry, up to the age of forty-six, and twenty years in an emergency. The

manuscript figure for the infantry term is disputed, and some scholars argue the normal continuous service was far shorter with twenty as the outside limit; the range should be held open.

The consequence is the structure of Rome. Because the army was sorted by equipment class, and because the assembly that elected the men who commanded it was that same army in its same classes, the political order and the military order were not two institutions but one institution seen from two positions. The assembly met outside the sacred boundary of the city, on the field of Mars, where an army is allowed to be. It voted by century, not by head. The eighteen centuries of cavalry and the eighty of the first class between them held ninety-eight of the hundred and ninety-three votes — a majority reached before the second class was called. The men who paid for the heaviest armour chose the men who would lead them wearing it, and the arithmetic ensured that the choice was effectively theirs.

And Polybius records the clause that closes the circuit: *no one was eligible for political office at Rome until he had completed ten years' service.* The ladder to the consulship began in the ranks. There was no civilian route to power, no path through the law courts or the treasury that did not pass first through ten campaigning seasons, and therefore no possibility of a governing class that had not personally stood in the line. This is the single most important fact in the module. In most of the orders this collection examines, the men who hold the floor and the men who hold the offices are distinct groups whose relations are a permanent problem. At Rome they were the same men at different ages.

Twelve rods, and an axe that came off at the city wall

The power a consul held was called *imperium*, and it was not divisible into civil and military authority: it was the undifferentiated right to command, to compel, to flog and to kill. It was visible. Twelve attendants walked in front of each consul carrying the *fasces* — a long thin bundle of rods bound with straps, which was a real instrument for real floggings and not a badge. And into that bundle, when the magistrate passed beyond the *pomerium*, the surveyed sacred boundary of the city, an axe was inserted.

Inside the boundary the axe came out.

It is the most compressed statement of the Republic's whole position that survives, and it is a physical object rather than a doctrine. The same man, holding the same office, wielding the same instrument, carried the power of death outside the line and the power of a beating inside it. Reinforcing the ritual was a legal protection the tradition dates to the Republic's earliest years: *provocatio*, the citizen's right to appeal a magistrate's sentence of death or scourging to the assembled people. Whether the

earliest version was as effective as the tradition claims is doubtful and the later leges Porciae of the second century, which extended the protection against summary violence even beyond the city, suggest the earlier law needed reinforcement. But the direction of travel is unmistakable, and so is the purpose. These men had removed a king because a king's power could be turned inward on themselves. They kept the king's insignia — the lictors and the rods are regal, and Roman tradition says so without embarrassment — and they built into the object itself the boundary at which its lethal component was to be surrendered.

So the floor was real, it was lethal, and it was deliberately denatured against one specific population at a surveyed line. Rome's armed force was pointed outward by design, and the design was legible to anyone standing in the street watching twelve men walk past with a bundle of sticks.

And when the blunting cost them a battle

A command split between two equals and replaced every twelve months is an excellent device for preventing a general from becoming a king. It is a poor device for winning a war, because two men with identical authority can disagree in the field, and because a campaign that outruns the year outruns its commander.

The Romans knew this and dealt with it in the way they dealt with everything, which was to invent a specific remedy for the specific failure and then argue afterwards that the ancestors had always had it. The remedy was the dictatorship: a single magistrate, nominated rather than elected, holding an authority superior to both consuls, limited to six months or to the completion of the task, whichever came first. His escort was twenty-four lictors rather than twelve. And his lictors did not remove the axes inside the city.

Claudius, running through the Republic's devices in his speech to the Senate, describes it exactly as an item of equipment:

> *"Quid nunc commemorem dictaturae hoc ipso consulari imperium valentius, repertum apud maiores nostros, quo in asperioribus bellis aut in civili motu difficiliore uterentur?"*
> *"Why should I now recall the dictatorship, a power stronger than the consulship itself, devised among our ancestors so that they might use it in harsher wars or in more difficult civil disturbance?"*

Repertum — hit upon. Not established at the founding on a principle of emergency government, but arrived at, because the divided command had failed and something had to be done that season. And the shape of the thing is the tell: a dictator is precisely

a consul with the axe put back. Everything the Republic had removed from the top office — the singularity, the freedom from a colleague's veto, the lethal authority inside the city — was restored in one package, for a fixed term, and then dismantled again. The men who had taken the instrument apart had kept the parts, and knew how to reassemble it.

Two features of the early dictatorship are worth holding for later. It was genuinely temporary, and the record of the middle Republic is a record of dictators laying it down, often long before their six months expired. And it was, on the Roman account, a dangerous enough concentration that the constraint was placed not on the power but on the clock — which means that when the clock was eventually removed, nothing else stood in the way.

What held a man in the line

The floor of an order is not only what it does to outsiders; it is also what it does to its own soldiers, and here the record is unusually explicit.

The recruit swore an oath, the *sacramentum*, binding him to obey the commands of the consuls and carry them out as far as he was able. Polybius notes the practical Roman shortcut: one man recited it in full and the rest came forward and swore to the same effect. The oath was religious and therefore held to make the soldier's body forfeit in a way a citizen's was not, which is the doctrinal bridge by which men protected against summary execution in the Forum could be clubbed to death in camp.

And clubbed to death is the correct phrase. Polybius describes the *fustuarium*, the penalty for sleeping on watch, theft in camp, giving false evidence, or abandoning a post:

> *"The tribune takes a cudgel and just touches the condemned man with it, after which all in the camp beat or stone him, in most cases dispatching him in the camp itself. But even those who manage to escape are not saved thereby: impossible! for they are not allowed to return to their homes, and none of the family would dare to receive such a man in his house."*

Read that as machinery and its economy is remarkable. The tribune's own act is a touch. The killing is done by the condemned man's messmates, at no cost to the state and with no executioner to resent. And if he survives and runs, the second enforcer takes over: not the magistrate but the man's own household, which will not have him — the community doing unpaid what no garrison could have done at any price. The state's arm and the neighbours' judgement are here not two counterweights but a single continuous mechanism operating on one body, and the reason it can work like that is

the reason the whole case is unusual: the army is the community. The men beating him are the men he will farm beside next winter, if he lives.

For collective failure Polybius describes the more famous penalty, the selection by lot of roughly one man in ten from a unit that had abandoned its ground, clubbed by the rest, the survivors put on barley instead of wheat and made to camp outside the rampart. It should be said plainly that a recent and serious argument holds that decimation was essentially not practised in the third and second centuries and functions in the sources as a disciplinary myth rather than a routine, and the claim is not settled. What is not disputed is the *fustuarium*, and the *fustuarium* is the more revealing instrument in any case, because a myth cannot be administered by a man's own tent-mates.

The year they began paying, and what it bought

Everything above describes a militia that could not stay in the field, and a militia that cannot stay in the field can raid but cannot besiege, which means it can plunder its neighbours indefinitely without ever taking their cities.

Livy dates the change to 406 BC, at the opening of the long war against the Etruscan city of Veii, ten miles across the river, and he presents it as a gift from above rather than a concession extracted:

> *"...additum deinde omnium maxime tempestivo principum in multitudinem munere, ut ante mentionem ullam plebis tribunorumve decerneret senatus, ut stipendium miles de publico acciperet, cum ante id tempus de suo quisque functus eo munere esset."*
> *"...then there was added the most timely of all gifts from the leading men to the multitude: that before any mention of it by the plebs or the tribunes, the Senate should decree that the soldier receive pay from the public purse, whereas until that time each man had discharged that duty at his own expense."*

Livy adds that no measure was ever received with such joy. He is describing his own tradition's version and the account has been doubted since Niebuhr — there is a passage in his own work indicating that fifteen years earlier the tribunes had proposed funding the troops from the rents on public land, which makes the Senate's unprompted generosity look rather more like a pre-emption than a gift. The date is defensible; the framing is the aristocracy's own.

The mechanism is what matters. The money came from the *tributum*, a direct levy on the property of citizens, assessed on the same census that determined who served. Rome taxed the propertied to pay the propertied to fight. It is a closed circuit, and it

explains why the Roman citizen's direct tax was experienced as a war contribution rather than as a tribute — because it was one, because he paid it to his own class and frequently to himself, and because it could be, and was, refunded out of plunder when a campaign went well.

What pay bought was winter. Veii fell after a siege the tradition stretches to ten years; the army had stayed out through the cold, in constructed quarters, which no militia of unpaid farmers could have done. Livy links the same period to a change of equipment — the round shield of the phalanx giving way to the long oval *scutum*, and the solid line giving way to an order of maniples. The dating of that tactical change is one of the least secure things in early Roman military history: Livy attaches it to the introduction of pay, other traditions attach it to the Samnite wars of the later fourth century, and the honest position is that both Livy and Polybius describe an already-transformed army and project it backwards, so that a clean reform with a date and an author is a convenience of the narrative rather than a fact of the record. What can be said is that between roughly 400 and 300 BC a Roman army that had fought as a single rigid block was fighting instead in articulated units that could manoeuvre on broken ground, and that the change ran alongside a long war against a mountain people in country where a phalanx is a liability.

By the end, the floor was mostly other people's sons

The last fact in this module is the largest, and it is the one that makes Rome's conquest of the Mediterranean arithmetically possible.

In 225 BC, with a Gallic invasion expected, Rome carried out an extraordinary survey — not the ordinary census of citizens but a count of every man in Italy liable to be called up, allies included. Polybius preserves the returns, which came to him through Fabius Pictor. Romans and Campanians on the roll: 250,000 foot and 23,000 horse. Latins: 80,000 foot, 5,000 horse. Samnites: 70,000 foot, 7,000 horse. Iapygians and Messapians together: 50,000 foot and 16,000 horse. Lucanians: 30,000 and 3,000. The Marsi, Marrucini, Frentani and Vestini together: 20,000 and 4,000. Umbrians and Sarsinates about 20,000; Veneti and Cenomani another 20,000. Polybius's total:

> *"...so that the total number of Romans and allies able to bear arms was more than seven hundred thousand foot and seventy thousand horse, while Hannibal invaded Italy with an army of less than twenty thousand men."*

The figures have been fought over for a century and the modern estimates adjust them at the edges; the order of magnitude stands. And the proportion is the finding:

on these returns something close to three-fifths of Rome's military capacity was not Roman. The allied communities raised those men themselves, officered them with their own gentry, armed them at their own expense, and paid them out of their own funds — Rome supplied the grain and the command and very little else. The floor that broke Carthage was to a substantial degree manned, equipped and financed by the people Rome had conquered in the previous century and a half, on terms each of them had signed separately, under a settlement that permitted none of them to speak to any of the others.

Whether the allies believed in this arrangement, and what happened when they eventually asked to be paid in citizenship rather than plunder, are questions for later. What belongs here is the mechanism: Rome's floor did not grow by recruiting more Romans. It grew by defeating a neighbour and converting the defeated into an obligation to supply soldiers, so that every victory enlarged the instrument that produced the next one. The engine had no natural stopping point on its own terms, and it did not stop.

Reading the floor against the framework

The framework's default expectation is a floor of organised force standing over a population that is not the force — a garrison, a guard, a professional army — with a believed story laid over it afterwards so the force can withdraw to the margins and the order becomes cheap to hold. Where the story has not taken, the tell is visible: surveillance, watch, pass, register. Rome shows almost none of it. No police, no garrison in the city, no standing force, no internal security apparatus of any kind for four centuries.

On the framework's own reading that absence would indicate an exceptionally thick belief. That reading would be half true and would miss the structure entirely, and the correction is this module's contribution: **before concluding that a quiet order rests on belief, establish which way its floor is pointing.** Rome's armed force was not aimed at Rome's population, because it *was* Rome's population, assembled in spring and dispersed in autumn, and aimed outward at whichever neighbour the year had supplied. There was no garrison in the city for the same reason there was no garrison in the fields: the men were the same. What kept the ordinary Roman farmer compliant was therefore not the price of defection set by a force standing over him. It was that he held a share in a force standing over somebody else — a share denominated in plunder, in land taken from the defeated, and in a vote, weighted by his armour, on who would lead him next season. Compliance was not priced; it was purchased, and the funds came from outside.

That correction compounds directly with what the eve of the Republic already showed. The men who took the top position from the king did not import a new apparatus, because they had none to import; they kept the king's instruments and altered the one feature that endangered them. The fasces are the clearest surviving case — regal insignia, retained entire, with a single modification written into the object itself: the axe goes in at the boundary and comes out at the boundary. A conqueror arriving from outside would have had no reason to build such a thing, since he would not have been trying to protect one population from an instrument aimed at another. Only men disarming a weapon they intended to keep using would have bothered.

Two things follow that the later modules will have to answer, and they are stated here as debts rather than conclusions. The first is that an order whose internal peace is funded from outside has made its domestic settlement dependent on continuous external success, which is a different and more brittle arrangement than one whose subjects simply believe. The second is that a floor deliberately denatured at a line will hold only so long as the men who command its lethal version accept the disarming when they reach the gate — and the Republic's whole apparatus of annual, doubled, appealable command was built by men who could not conceive of a commander who would not. That was not stupidity. It was the edge of what their position let them see: they had built the boundary against the memory of a king, in an order where the army went home each autumn to farms it owned, and the possibility that a general might one day command men with no farms to go home to lay entirely outside the field of the visible from where they stood.

A note on sources. Primary quotations are from public-domain texts. Livy's account of the introduction of military pay is *Ab Urbe Condita* 4.59.11, with the tributum at 4.60 and the earlier tribunician proposal to fund the troops from public-land rents at 4.36; the linkage of pay, the change of shield and the manipular order is Livy 8.8. Polybius on the levy, the service terms and the property threshold is 6.19–21 (the property qualification of four hundred drachmae at 6.19.2, the bar on office before ten years' service at 6.19.3); the *fustuarium* passage is 6.37, quoted here in the standard English translation, and the description of decimation is 6.38.1–4; the manpower survey of 225 BC is 2.24, the total at 2.24.16. Claudius's characterisation of the dictatorship is from the bronze tablet found at Lyon in 1528 (CIL XIII 1668 = ILS 212), AD 48. The census classes with their valuations in *asses* are Livy 1.42–43 and Dionysius of Halicarnassus 4.16–21; both are given here with the standing modern caveat that the scheme as described fits third-century conditions better than sixth-century ones and is substantially retrojected, and no claim is made that it operated in that form under the kings. Contested points are flagged rather than resolved: the

manuscript figure for the infantry service term, and the argument that normal continuous service was considerably shorter than sixteen years; the historicity and frequency of decimation, which Michael Taylor has argued was not practised in the third and second centuries; the date and manner of the shift from phalanx to maniples, on which the ancient traditions disagree among themselves; and the effectiveness of the earliest *provocatio*, which the later leges Porciae suggest required reinforcement. Polybius's manpower figures are given as he reports them, with the note that modern estimates adjust them at the margins while accepting the order of magnitude. The settlement of 338 BC follows Livy 8.14 and the standard modern reconstructions; the grading of individual communities varies between accounts and only the uncontested features are relied on here. Modern scholarship (Cornell, Rich, Rosenstein, Erdkamp, Brunt, De Ligt, Taylor) is paraphrased and credited, not quoted at length.

HERDSMEN GAVE WAY TO PLOUGHMEN

Module 2 · The Settlement — how four centuries of conquered Italian soil was divided, and why the largest share of it was distributed by no instrument at all, so that when the state at last tried to take some of it back it found there was nothing to revoke

When Rome beat a neighbour it usually took land. The proportion varied — a third was common, two-thirds after a revolt — and the taking was open, recorded, and understood by everyone involved as the price of defeat. What happened to the land next is where the case becomes unusual.

It was not divided among the victorious commanders. It was not granted out in estates to the families who had supplied the cavalry. It was declared to be *ager publicus populi Romani*: the public land of the Roman people. And that is not a grant to anybody; it is the creation of a category. The soil passed from a defeated community, which had held it as its own territory under its own arrangements, into a legal condition in which it belonged to an abstraction — the *populus Romanus* — that could not itself farm, graze, or occupy anything.

Hold what this did and did not do. It certainly dispossessed: a Volscian or Samnite or Etruscan community that lost a third of its territory lost it, and the loss was permanent. But at the moment of taking, the Roman state made no distribution and named no beneficiary. It converted somebody else's territory into its own reserve and then faced, as a live administrative question with no settled answer, what to do with a reserve that grew every summer. The answer was never given once. It was given piecemeal, for four hundred years, by whichever men happened to hold office in a given season, under whatever pressure that season supplied — and the three answers they arrived at are still visible on the ground and in the record.

Three doors out of the public land, and only two of them were acts

The first door was assignment. The state surveyed a block of public land, divided it into plots, and gave the plots outright to individual citizens — *viritim*, man by man — as private property. The recipients were poorer citizens, the plots were small, and the

effect was to manufacture, at a stroke, a batch of new smallholders who by that fact met the property qualification for military service.

The second door was colonisation, which did the same thing with a town attached. Rome planted settlements on conquered ground, some as colonies of Roman citizens and, after the Latin settlement of 338, many more as Latin colonies whose settlers took a status short of full Roman citizenship in exchange for a larger allotment. A colony was a garrison, a market, a road-head and a land grant simultaneously, and the state placed them where it wanted a permanent Roman presence in somebody else's country. Both of these are acts of state: dated, decreed, surveyed, recorded.

The third door was not an act at all. Much of the public land was never divided, and the state let it be occupied. Anyone who could put stock or a plough on it did so, and continued to do so, and that was the whole procedure. There was no grant, no register, no deed, and no ceremony. The occupier held what Roman lawyers called *possessio* — possession — as distinct from *dominium*, ownership: he had the use and not the title, the land remained in principle the Roman people's, and a rent or grazing due, the *vectigal*, was in principle payable to the treasury. In practice the evidence for that rent being collected with any regularity is thin, and the standard modern treatments regard the burden as light to negligible over long stretches.

This third door is the module's subject, because it took the largest share and because it is the only one that operated without an instrument.

A possession that ripened because nobody with standing objected

Consider the position of a man with capital in the third century BC looking at a tract of undivided public land in Lucania or Apulia.

He does not need permission, because none is required. He does not need to buy it, because it is not for sale. What he needs is the ability to put something on it and keep something on it — herds, slaves, an overseer, a season's working capital, and enough local standing that no one troubles him. A poor citizen has none of those. A rich one has all of them, and grazing is the cheapest possible use of distant ground: livestock walks to market, needs no irrigation, and can be supervised by a handful of men. So the undivided land filled with herds belonging to people who could afford herds, and it filled by nobody's decision.

Then time did the rest. A man who has run stock on the same ground for thirty years has built a farmstead on it, planted on part of it, buried people near it, married his daughters to the neighbours, and left it to his son as a matter of course. His son has never known it as anything but the family's land. By the second generation, evicting him is not the recovery of state property; it feels, and can be argued in public to be, the

confiscation of a home. And there is no document anywhere that says otherwise, because there never was a document.

This is why the legal distinction between *possessio* and *dominium* — which was perfectly clear to any Roman jurist — could not do the political work it looked capable of doing. The distinction was real in law and dead in practice, because nothing embodied it. A colonist's plot had a boundary stone and a survey record. A possessor's holding had nothing but the possessor.

There was a limit. Roman tradition held that the amount of public land any one man might hold was capped at 500 *iugera* — something like 125 hectares — and attributed the cap to the Licinio-Sextian legislation of 367 BC. That attribution is not secure and the reader should have the doubt: the date is contested, the archaic setting fits awkwardly, and a serious line of argument holds that the pre-Gracchan Licinian law limited a man's holding of *all* land, private as well as public, rather than public land alone. What is not in doubt is the limit's operation. No enforcement machinery attached to it. There was no cadastre of public land, no registry of possessors, no officer charged with checking, and no penalty anyone is recorded as having paid for two centuries. The law existed; the file did not.

The settlement that manufactured its own soldiers

Set beside the possessors the other half of the distribution, because a study that reports only the engrossment will have described the wrong order.

Across the fourth, third and second centuries Rome seated very large numbers of ordinary citizens on conquered ground, in colonies and in individual allotments, as owners. This was not a marginal charitable programme; it is the principal use to which the state put its conquests during the period of expansion, and it is the mechanism by which the citizen body grew across Italy rather than remaining a city and its hinterland.

And the consideration attached to it is the diagnostic fact. What the grantee owed in return was not rent, not political compliance, and not service to a lord. It was that by receiving the land he acquired the property that made him liable to serve in the legions — the assignment placed him inside the census classes and therefore inside the levy. The state was not buying an existing armed man's loyalty; it was manufacturing men who could afford armour.

That is a third form of settlement, and it should be named as such. The medieval tenurial grant handed land to a man in exchange for bringing armed followers, and thereby installed a permanent civil-war risk in the same clause, because the king's army was the sum of his nobles' retinues. The modern colonial grant handed land and office in exchange for taxes and compliance, with the armed-service clause deliberately

deleted, leaving a dependant with a title. Rome did neither. It gave land to men who were nobody, in order to make them soldiers of the state — and the soldier so made owed his service not to the man who granted the land but to the annual magistrates elected by the assembly he now voted in. The grant created the obligation and the citizenship together, and it left the grantee armed without leaving him anybody's retainer.

The bill for this arrangement is exactly the one you would predict: it works only while there is land to give. Every colony founded and every allotment made is a permanent commitment of a finite stock, and the stock was replenished only by further conquest. Meanwhile the undivided remainder was quietly filling with other men's herds. The two halves of the distribution were in competition for the same acres, and one half was governed by legislation and the other by nobody.

What a Roman settlement looked like on the ground

The state's assignments were surveyed, and the survey is the most durable thing the Republic left in the Italian landscape.

Roman land division — centuriation — laid a rectangular grid across the ground: two principal axes crossing at right angles, the *decumanus* running one way and the *cardo* the other, with the land divided into squares and each square subdivided into plots. The grid was marked with stones. Where it was thoroughly laid it is still visible from the air two thousand years later, in the alignment of field boundaries, drainage ditches and country roads across the Po valley and parts of Campania and Apulia.

The stones carry text, and they are among the few documents of the Roman settlement that were not written by an aristocrat about himself. One from Atina in Lucania, cut in 131 BC, reads on its shaft simply:

> *C. Sempronius Ti. f. / Ap. Claudius C. f. / P. Licinius P. f. / IIIvir. a. i. a. / k. VII*
> *"Gaius Sempronius, son of Tiberius; Appius Claudius, son of Gaius; Publius Licinius, son of Publius; three men for adjudging and assigning lands. Seventh cardo."*

Three names, a title, and a coordinate. That is the entire text of the Roman state performing the largest redistribution of property in its history, and its plainness is the point: this is an administrative marker, not a monument, and it is telling a surveyor where he is.

The year the state tried to read its own law

The commission that cut those stones existed because in 133 BC a tribune of the plebs, Tiberius Sempronius Gracchus, carried a law to enforce the 500-*iugera* limit — to recover from possessors everything they held above it and reassign the recovered land in small inalienable plots, with a board of three men holding judicial power to determine what was public and what was not.

Read from the position of the men who opposed it, the proposal was not an attack on property in the abstract; it was worse than that. It required somebody to walk onto ground a family had held for a century, decide that it was the Roman people's, and take it. And the reason the commission needed judicial power — the *iudicandis* in its title — is precisely the finding of this module. Where a settlement runs by instrument, enforcement means reading the instrument. Where a settlement was made by silence, there is nothing to read, and every acre has to be litigated from scratch against a man whose grandfather cleared it.

What happened next is the standard narrative and needs only its structure here. A fellow tribune vetoed; Tiberius had him removed from office by vote, which no one could show the ancestors had ever done; he stood for a second consecutive tribunate, which no one could show they had done either; and a body of senators led by the *pontifex maximus* went out and beat him to death in the street with furniture, along with a substantial number of his supporters. It was the first political killing inside Rome in the Republic's recorded history, and it was done by the holders of the order's highest offices to stop the enforcement of a law the order had itself passed.

And then — this is the part the narrative of martyrdom tends to swallow — **the commission carried on working.** The stone quoted above is dated two years after the murder and carries the dead man's brother. Another set from Aeclanum, cut a decade later in 123, carries Marcus Fulvius Flaccus, Gaius Sempronius Gracchus and Gaius Papirius Carbo, and its markers record decisions in the possessors' favour as well as against them: one notes an estate left to an established occupier, free of charge. Fifty years after that, in 82 or 81 BC, a propraetor named Marcus Terentius Varro Lucullus was instructed by decree of the Senate to superintend the *re-establishment* of the Gracchan boundary stones where the original commissioners had set them.

Sit with that sequence. The Senate's leading men killed the man who proposed the survey, and then the Senate kept the survey, staffed it with his family, honoured its markers, and half a century later paid to put the fallen ones back up. The quarrel of 133 was never about whether the state might assign land. It was about who would be inconvenienced this time, and about a tribune who had broken two precedents to do it.

Nine hundred and seventeen persons, and a road

A single stone from the same decade carries the whole settlement, both faces of it, in eleven lines. It stood beside the road at Polla in Lucania. The first line, which held the magistrate's name, is lost — the candidates are Popillius Laenas, consul in 132, or one of the Annii, and the identification is unsettled — but the rest survives:

> *"...et eidem praetor in Sicilia fugiteivos Italicorum conquaeisivei redideique homines DCCCCXVII; eidemque primus fecei ut de agro poplico aratoribus cederent paastores; forum aedisque poplicas heic fecei."*
> *"...and the same man, as praetor in Sicily, hunted down runaways belonging to men of Italy and gave back nine hundred and seventeen persons; and the same man was the first to bring it about that on the public land herdsmen gave way to ploughmen; and I made a forum and public buildings here."*

Two boasts in consecutive clauses, cut on the same stone by the same hand for the same audience. In the first he returns nine hundred and seventeen human beings to their owners. In the second he takes pasture off the graziers and gives it to smallholders, and claims to be the first man ever to do it.

Nothing in the inscription registers these as being in tension, and from his position they were not. The ploughmen he is seating are citizens who will serve in the legions; the *homines* he is returning are property belonging to the men of Italy, and returning stolen property is what a praetor does. The two clauses describe the same settlement seen from its two ends. Roman conquest produced land and it produced people, and the land was distributed to citizens while the people were distributed as chattels to whoever bought them — frequently the very possessors whose herds were grazing the undivided remainder. The plots and the slaves came out of the same wars.

There is a scholarly argument running through all of this which must be reported rather than resolved. The tidy story — small farmers ruined by long service abroad, their plots swallowed into slave-run estates, the citizen soldiery collapsing — is the story Appian and Plutarch tell and the one Tiberius Gracchus is said to have told, and it has been substantially taken apart. Rathbone and others have questioned the scale of the shift to large slave estates; the census figures on which the demographic case rests are a battlefield with high and low readings that imply very different Italies; Roselaar's reconstruction has the availability of public land, and the competition for it, driven at least as much by population growth as by dispossession. What survives the criticism is narrower and enough: land near Rome and in the best districts was in short supply by the later second century, it was hard for a poor man to get, and men with capital held large amounts of public land under no title whatever. Whether the smallholder was

disappearing or merely being outbid is genuinely open, and this study does not need it settled.

The conversion, at last, in bronze

The instrument the settlement had never had arrived in 111 BC, and it arrived to end the argument in the possessors' favour.

Fragments of a bronze tablet survive — the same plate carries an extortion law on its other face — bearing a hundred and five lines of an agrarian statute. Its operative move is stated in the flat imperative Latin of Roman legislation, over and again, category by category:

> *"Quei ager publicus populi Romanei in terra Italia P. Mucio L. Calpurnio consulibus fuit... is ager privatus esto."*
> *"The land which was public land of the Roman people in the land of Italy in the consulship of Publius Mucius and Lucius Calpurnius... that land shall be private."*

Elsewhere the law specifies that such land shall be private to its holders exactly as land is private that is held by the best title known to law. Categories of holding were listed and converted one by one: the allotments the Gracchan commission had made; the holdings the old possessors — *veteres possessores* — had kept within the statutory limit; land exchanged for other land; ordinary occupations since 133 up to thirty *iugera*. Certain classes of land were exempted and remained public. The rest ceased to be the Roman people's.

Two things about that clause deserve to be looked at directly. The first is what it does: a state that had spent four centuries accumulating a landed reserve, and had just fought a lethal internal quarrel over whether to enforce its own limits on the use of that reserve, disposed of the reserve permanently by converting possession into ownership. Everything the possessors had held by mere duration, they now held by statute, heritable and alienable, indistinguishable from any other property in Roman law. The one asset the Roman people owned in common was thereby retired, and it was retired by a law, in bronze, in the ordinary language of civil administration.

The second is the dating formula. The law identifies the land in question by naming the consuls of the year in which it was public: Publius Mucius Scaevola and Lucius Calpurnius Piso. That is 133 BC — the year Tiberius Gracchus was clubbed to death in the Forum, and Publius Mucius Scaevola was the consul who declined to stop it. The bronze does not mention any of that. It could not have; a Roman year has no number, only the names of the men who held the top office in it, and there was no

other way to write the date. But the effect is exact and worth stating without ornament: the statute that gave away the public land dates its own baseline by the consulship in which the man who tried to save it was killed.

Reading the settlement against the framework

The framework expects a conqueror's settlement to be an instrument — a charter, a grant, a title deed — whose job is to convert a relation between persons into a transferable thing, and it expects that instrument to reach for one of three fictions: declaring occupied land vacant, in order to dispossess; declaring a grant a confirmation of what the grantee already owned, in order to bind an elite; or declaring collective land partible, in order to manufacture a market. Rome ran none of the three, and the reason it ran none of them is that the conqueror here answered to nobody who had to be told a story about legality. There was no metropole and no distant public whose belief had to be managed; the men taking the land and the men voting on it were the same assembly.

So Rome offers a form the collection has not yet had to name: **the settlement made by omission.** The state declared the conquered soil public, distributed part of it in surveyed grants, and simply left the remainder open. That is not an absence of settlement. It is a distribution performed by leaving the ground available to whoever already had the herds, the slaves, the capital and the standing to hold it — which is a perfectly determinate outcome arrived at without an instrument, without a beneficiary named anywhere, and without anyone having to defend it.

And the corollary is the sharper half, because it explains what happened in 133 and it generalises well beyond Rome. **A settlement made by instrument can be undone by instrument; a settlement made by silence can only be undone by a fight.** Every colonial grant this collection has examined could in principle be revoked, because it had been made — there was a register, a deed, a clause, a signature, a court that had issued it and could recall it. Rome's possessors held nothing revocable. There was no grant to cancel, no register to correct, no title to quash; there was only a man on the ground and two centuries of nobody having objected. Enforcement therefore could not be an administrative act. It had to be a commission with judicial power going acre by acre, arguing against duration itself — and the state that attempted it discovered that its own most senior office-holders would rather commit murder in the street than concede the first case. Duration is the strongest title there is, precisely because there is no paper to attack.

This compounds directly with what the eve of the Republic and the shape of its floor already showed. An order whose supreme authority is ancestral precedent will

convert *anything* long-continued into a right, and possession-by-duration is precedent in its purest material form — a claim that needs no instrument because the absence of objection over generations is itself the warrant. And the outward-pointing floor supplied the material: the land in question was conquest plunder, taken every summer by an army of citizen farmers, and its distribution is what turned military success into the domestic settlement that kept those farmers compliant. That arrangement had a term. It lasted exactly as long as the supply of new land kept pace with the men who needed it — and by the second century, with Italy fully taken and the conquests moving overseas into provinces that were taxed rather than settled, the pace broke. What the state did about that, when it could no longer seat men on land, is the question the modules on cost and coordination will have to answer, and the answer will turn out to have been to stop requiring the land.

A note on sources. Primary quotations are from public-domain texts and inscriptions. The Gracchan boundary stone from Atina in Lucania, dated 131 BC, is CIL I² 639 = ILLRP 470; a companion from near St Angelo in Formis is CIL I² 640; the group from Aeclanum bearing Fulvius Flaccus, Gaius Gracchus and Papirius Carbo and recording estates left to established occupiers is CIL I² 643–645, dated 123 BC; the record of Varro Lucullus re-establishing the Gracchan markers by decree of the Senate in 82 or 81 BC is CIL I² 719. Fourteen or so Gracchan cippi are known. The Polla inscription is CIL I² 638 = CIL X 6950 = ILS 23 = ILLRP 454; its first line, carrying the magistrate's name, is lost, and the identification is unsettled between Publius Popillius Laenas (consul 132), Titus Annius Rufus (consul 128) and Titus Annius Luscus (consul 153), so the text is quoted here without an attributed author and the date given as the 130s or 120s. The lex agraria of 111 BC survives on fragments of the bronze *tabula Bembina* (CIL I² 585), 105 lines, edited in modern times by Mommsen, Lintott and Crawford; its identification with the *lex Thoria* named by Appian and Cicero remains disputed, and the translations here are from the Latin text as those editions give it. Contested matters are flagged rather than resolved: the attribution of the 500-*iugera* limit to 367 BC and whether the pre-Gracchan Licinian law limited public land only or all land (Rich and Rathbone argue the latter); whether and how regularly the *vectigal* on possessed public land was actually collected; and the whole question of the "decline of the small farmer," on which the census figures admit high and low readings implying materially different pictures of Italy. The narrative of 133 BC follows Appian, *Civil Wars* 1.7–17, and Plutarch's *Tiberius Gracchus*, both written well over two centuries after the events and both drawing on a tradition already shaped by the quarrel; the account of Tiberius's aims is his opponents' and his partisans' and not a neutral record, and only the uncontested sequence is relied on. Modern scholarship (Roselaar,

Rathbone, De Ligt, Rich, Lintott, Crawford, Cornell) is paraphrased and credited, not quoted at length.

THE CHICKEN-KEEPER REPORTS BACK

Module 3 · The Robe — a state religion with no revelation, no scripture and no clergy, administered by the political class upon itself, whose product was never obedience from the ruled but validity for the ruler, and which held for four centuries because almost nobody ever tested whether it could stop anything

The first thing to establish about the Roman state religion is what it was not, because the modern reflex is to look for a creed and there is not one.

There was no revelation. No god had spoken to Rome and issued instructions. There was no sacred book — the Sibylline oracles were consulted on specific emergencies by a board of officials and were not scripture in any sense a modern reader would recognise. There was no doctrine about the soul, no requirement of inward assent, no confession of faith, no heresy and therefore no heretics. Nobody at Rome was ever asked what he believed, and it is not clear the question would have been intelligible.

What there was instead was procedure. The relation between Rome and its gods was understood as something closer to a standing contract than a devotion: the community performed the observances correctly, in the correct form, at the correct time, and in return the gods maintained the *pax deorum*, the peace of the gods, under which the city's undertakings could prosper. Everything followed from that. If a rite was performed with an error in the wording or a stumble in the procession, it was not a lapse of piety; it was a defect in performance, and the remedy was to do it again properly. Roman religion was a body of technical competence, and a Roman who scrupulously performed the rites while privately regarding the whole thing as machinery had done everything the arrangement required of him.

And there was no clergy. This is the structural fact that governs the rest of the module. Rome had priesthoods in quantity — pontiffs, augurs, the board of the sacred books, the fetials, the *flamines*, the Vestals — but with the partial exception of the Vestals and one or two ancient full-time offices, they were not a separate order of men. They were held by senators, alongside and during political and military careers, for life, in addition to everything else those men did. A Roman noble could be consul and augur simultaneously, and many were. There was no priestly caste with its own

interests, its own recruitment, its own revenues and its own capacity to say no to the magistrates, because the priests *were* the magistrates.

What the gods were actually asked

The central instrument was the auspices, and its mechanics matter more than its theology.

The right to take the auspices — *auspicium* — was attached to the office, not to the man and not to a priesthood. A magistrate holding *imperium* held the right to consult the gods before any public act: before a battle, before an assembly, before entering office. The augurs, who formed a college of experts in augural law, were not the ones who asked. They were consultants on procedure — whether a consultation had been validly conducted, whether a sign had been properly reported, whether some defect had occurred — and their authority was the authority of specialists in a technical field, exercised on the acts of other members of their own class.

More important is the shape of the question. The gods were not asked what Rome should do. They were asked whether they approved of a specific act, on a specific day, by a specific man: a yes or no on a proposal already framed. Divination at Rome supplied no policy and no prophecy. It supplied validation or its absence for something the political process had already produced.

Which means the auspices' actual output was not guidance. It was **validity**. A magistrate elected under defective auspices was *vitio creatus* — created with a flaw — and could be induced to resign; an assembly held after adverse signs had been reported was void; a law carried in defiance of a properly announced observation was open to challenge. The robe's product was a quality attaching to public acts, and the men who consumed that product were the men performing the acts.

Two audiences, and Polybius saw only one of them

The most famous ancient statement about all this is by an outsider, and it should be read as an outsider's theory rather than a Roman's self-description.

Polybius, watching from inside the households of the Roman elite in the second century, thought he had found the secret of the constitution:

> *"For I conceive that what in other nations is looked upon as a reproach, I mean a scrupulous fear of the gods, is the very thing which keeps the Roman commonwealth together. To such an extraordinary height is this carried among them, both in private and public business, that nothing could exceed it. Many*

> *people might think this unaccountable; but in my opinion their object is to use it as a check upon the common people. If it were possible to form a state wholly of philosophers, such a custom would perhaps be unnecessary. But seeing that every multitude is fickle, and full of lawless desires, unreasoning anger, and violent passion, the only resource is to keep them in check by mysterious terrors and scenic effects of this sort."*

That is the classic account of a robe: an elite deliberately maintaining beliefs it does not share, in order to hold down a populace that does. It is quoted constantly, and it is half wrong — or rather, it is Polybius's Greek political theory imposed on a Roman practice he admired and did not fully share. Roman senators do not talk this way about their own religion, and there is no reason to think most of them experienced the observances as a device.

The correction is in Polybius's own book, four chapters earlier, where he describes something he plainly found more impressive. At the funeral of a Roman noble, the wax masks of the dead man's ancestors were taken from their cupboards in the hall and worn through the streets by men chosen to match each ancestor in build and bearing, dressed according to the office each had held — purple-bordered for a consul or praetor, whole purple for a censor, gold-embroidered for a man who had triumphed. They sat in a row on ivory chairs in the Forum while the eulogy was given, and the eulogy covered not only the man in the coffin but each of the masked figures in turn, oldest first.

> *"There could not easily be a more ennobling spectacle for a young man who aspires to fame and virtue. For who would not be inspired by the sight of the images of men renowned for their excellence, all together and as if alive and breathing?"*

Polybius says this makes young men willing to suffer anything for the public good in hope of the glory that attends the brave.

Set the two passages side by side. The first describes a machinery of terror aimed downward at the multitude. The second describes a machinery of ambition aimed inward at the aristocracy's own sons — and the second was manifestly the one that did the heavy lifting, because it is the one that produced the behaviour the Republic actually depended on. The masks were kept in the halls of the men who governed, worn at their funerals, and displayed to their heirs. The Roman robe had two audiences, and the audience it was tailored most carefully for was the tailor.

What it cost to say the birds were only birds

There is one famous case of a Roman openly treating the apparatus as a joke, and its aftermath is the most informative thing in this module.

In 249 BC, during the First Punic War, the consul Publius Claudius Pulcher was about to engage the Carthaginian fleet off Drepana in western Sicily. The auspices before battle were taken by observing whether the sacred chickens carried with the fleet would feed. They would not. Cicero reports what he did:

> *"Nihil nos P. Clodi bello Punico primo temeritas movebit, qui etiam per iocum deos inridens, cum cavea liberati pulli non pascerentur, mergi eos in aquam iussit, ut biberent, quoniam esse nollent? Qui risus classe devicta multas ipsi lacrimas, magnam populo Romano cladem attulit."*
> *"Will the rashness of Publius Claudius in the First Punic War not move us at all — who, mocking the gods in jest, when the chickens released from their cage would not feed, ordered them thrown into the water so that they might drink, since they would not eat? That laugh, when the fleet had been destroyed, brought many tears to him and a great disaster to the Roman people."*

The famous direct quotation — *let them drink, since they will not eat* — is a later reconstruction from Cicero's indirect Latin, and should be handled as such. Whether the episode happened at all is uncertain: Polybius, the contemporary account, gives the defeat to Carthaginian seamanship and does not mention chickens. What is not uncertain is what the tradition did with the story. Claudius lost the battle and much of the fleet; he was prosecuted at Rome, condemned, and died soon afterwards.

And the charge, in the shape the tradition preserves, is worth attending to. He was not destroyed for losing a battle — Roman commanders lost battles regularly and returned to office. He was destroyed for having publicly performed contempt for the procedure. The state did not care what he thought about birds. It cared, extremely, that he had said it out loud in front of a fleet.

The augur who wrote that the birds tell you nothing

Two centuries later a serving member of the college of augurs set down what he thought of the whole apparatus, in a book he published under his own name, and the passage is the sharpest single piece of evidence this study has for how a robe is worn by the men who administer it.

Cicero was elected augur in 53 or 52 BC and held the office until his death. In the second book of *De Divinatione*, arguing in his own voice, he writes:

"Non enim sumus ii nos augures, qui avium reliquorumve signorum observatione futura dicamus... retinetur autem et ad opinionem vulgi et ad magnas utilitates rei publicae mos, religio, disciplina, ius augurium, collegii auctoritas."
"For we augurs are not the sort who foretell the future by observing birds and other signs... but the custom, the observance, the discipline, the augural law and the authority of the college are retained both for the opinion of the common people and for the great advantages of the state."

That sentence would be remarkable enough on its own. What makes it extraordinary is the sentence immediately following it:

"Nec vero non omni supplicio digni P. Claudius L. Iunius consules, qui contra auspicia navigaverunt; parendum enim religioni fuit nec patrius mos tam contumaciter repudiandus."
"And indeed the consuls Publius Claudius and Lucius Junius, who sailed against the auspices, were not undeserving of every punishment; for religion had to be obeyed, and the custom of our fathers was not to be repudiated so defiantly."

An augur states, in consecutive sentences of the same published paragraph, that the birds foretell nothing, that the system is kept up for the opinion of the vulgar and the utility of the state, and that the consul who acted as though the birds foretold nothing deserved every punishment there is.

That is not incoherence, and reading it as hypocrisy misses what is actually being said. From Cicero's position both propositions are straightforwardly true and there is no tension between them. The auspices convey no information; the apparatus that generates them is nonetheless the mechanism by which Roman public acts acquire validity, by which magistrates are constrained, and by which the political class settles which of its members has done things properly. A man who publicly wrecks that mechanism to get a battle he wants has not committed an error of belief. He has damaged a working part of the state, and he should hang for it.

A few paragraphs later Cicero adds the detail that gives this module its title. He asks whether his readers suppose that the men who took the auspices once used to watch the sky themselves:

"Nunc imperant pullario; ille renuntiat."
"Now they give the order to the chicken-keeper; and he reports back."

The magistrate's own eyes have been replaced by an instruction to a subordinate, and the subordinate's report is the auspice. Cicero was in a position to know, and he calls the resulting signs, elsewhere in the same book, mere shadows of auspices. He then

went on holding the office for the rest of his life, and would have been outraged had anyone proposed abolishing it.

Almost never used as a weapon, which is why it worked

The textbook account of Roman religion as a political instrument leans heavily on *obnuntiatio*: the announcement of adverse omens by a magistrate or augur, which suspended public business until another day. It is usually described as a routine tool by which the Senate's men blocked tribunes they disliked, and the mid-second-century *leges Aelia et Fufia* are said to have extended the right from the augural college to all magistrates.

The evidence does not comfortably support the routine part, and the discrepancy is this module's most useful finding. Cicero makes broad claims that these laws had checked tribunician recklessness for a century, through the Gracchi and Saturninus and Sulla — but scholars examining the record have noted that no specific instance of *obnuntiatio* being used against sought auspices can actually be documented before 59 BC. The likeliest reading is that the power existed, was known to exist, and was used sparingly.

Then, in 59, it was used at scale. Marcus Calpurnius Bibulus, consul with Caesar and comprehensively outmatched in the streets, withdrew to his house and announced that he was watching the sky — *se de caelo servare* — day after day, for the rest of the year, in order to invalidate everything his colleague did. It was procedurally impeccable and politically absolute, an attempt to stop a consulship with a formula.

Caesar legislated anyway. The land laws passed, the assemblies met, the business was done, and the announcements from Bibulus's house had no effect whatever except to leave the year's legislation with a permanent technical flaw that Caesar's enemies raised for a decade and never managed to convert into a repeal. The following year the tribune Clodius carried a law modifying the regulations on *obnuntiatio*, and the augural instrument as a check on legislation was substantially finished.

Read as machinery, the sequence is exact. The augural veto was load-bearing for as long as nobody put weight on it. The first man to lean on it with his full weight discovered that it would not hold, and by discovering it he destroyed it for everyone, because a procedural authority that has been publicly defied once is thereafter merely a formality that can be defied again. This is the reverse of how a conviction-based robe behaves, and the difference is worth stating plainly: with a robe made of belief, frequent invocation is a sign of strength; with a robe made of procedure, frequent invocation is the symptom of a thing already failing.

And the wars were always just

One application of the robe faced outward, and it should be recorded because it is the part that touched the conquered.

Rome maintained a priestly college, the fetials, charged with the formalities of treaty-making and the declaration of war. The procedure as the tradition describes it required a formal demand for redress delivered to the offending people, a waiting period, a return, a calling of the gods to witness that Rome's cause was just, and only then the declaration — culminating, in the oldest version, in a spear thrown into enemy territory. The doctrine that grew from it was that Rome fought only *bella iusta*: wars that were just, meaning both correctly declared and undertaken in response to a wrong.

The procedure was real, it was maintained for centuries, and the archaic form was adapted rather than abandoned as Rome's enemies grew too distant for a spear — a patch of ground near the temple of Bellona in Rome was designated as enemy territory for the purpose. And the effect of it is exactly what the framework would predict from an apparatus that certifies procedure rather than substance. Across four centuries in which Rome conquered the entire Mediterranean, there is no recorded case in which the fetial procedure returned the answer that a proposed war was unjust. It could not have. It was not a test of whether Rome ought to fight; it was the correct form for declaring that it would, and its output — like the auspices' — was validity.

What it produced instead was a tradition, sincerely held by Romans and repeated by Roman historians as an obvious truth, that Rome's empire had been acquired defensively, war by war, in response to attacks and to obligations owed to allies. The apparatus that would have exposed this as false was the same apparatus that certified it.

Reading the robe against the framework

The framework expects a legitimating story cut for whichever audience's belief the order needs, and it expects colonial orders to show a reversed robe — cut for the metropole and the army that fund the conquest rather than for the conquered, whose belief the floor does not require. Rome shows neither the standard shape nor the reversed one, and the reason is the structural fact established at the top of this module.

At Rome the interpreter position was not captured by the rulers. It was **fused** with them. There was no separate priesthood to buy off, subordinate or coerce, because the priests were the senators and the magistrates were the men who took the auspices. And where that fusion occurs, the robe stops being a story told downward and becomes a procedure the ruling class runs upon itself. Its output is not obedience; it is validity —

a quality attaching to acts, adjudicated by the actors' own peers. **That is the contribution this module offers: where the interpreter position is fused with the office it legitimates, the robe's principal function is not to secure the compliance of the ruled but to make the rulers' competition survivable.** It converts *I won and you lost* into *the act was properly done*, which is a proposition the loser can accept without ceasing to be a member of the order — and in a state whose armed force was seasonal, pointed outward, and commanded in turn by the very men competing, some such converter was not decoration. It was the only arbiter available.

The framework's surveillance test needs the same second reading the floor already required, and for the same reason. Surveillance is the tell of a belief that never took — but that diagnostic assumes a robe made of conviction, where invocation signals confidence. A procedural robe inverts the reading, and the inversion is testable: it is strongest where least used, because its authority consists entirely in never having been shown to be refusable. Rome's augural veto governed for a century and a half while remaining almost entirely unexercised, and expired within two years of somebody finally exercising it in earnest. So the question to put to any legitimating apparatus is not only whom it addresses, but **whether it is the kind of thing that survives being tested.** The answer for Rome was no, and that fact was invisible to every Roman until 59 BC because until then nobody had tried.

This compounds with what has already been established rather than displacing it. An order whose supreme authority is ancestral precedent will validate by form rather than content — an act correctly performed is valid because it was correctly performed, exactly as a possession long held becomes a right because it was long held. Auspices and *ager publicus* run on the same logic in different materials: duration and correct form standing in for any instrument, in a state that never wrote a constitution and never registered a title. Both worked for centuries. Both turned out, when finally tested by a determined man, to have nothing behind them but everyone's agreement not to test them.

A note on sources. Primary quotations are from public-domain texts. Polybius on Roman religion as a check upon the multitude is *Histories* 6.56.6–12, and on the aristocratic funeral and the ancestor masks 6.53–54, both quoted here in Shuckburgh's translation; Polybius's explanation of the practice as a deliberate elite device is his own analysis as a Greek observer and is not how Roman sources describe themselves, and it is presented here as such. Cicero's account of Publius Claudius Pulcher and the chickens is *De Natura Deorum* 2.7, given in indirect discourse — the widely quoted direct form *Bibant, quoniam esse nolunt* is a later reconstruction and is flagged as one; Polybius, the contemporary source for Drepana, attributes the defeat to Carthaginian

seamanship and does not mention the episode, so its historicity is genuinely uncertain and nothing here depends on it. Cicero's statement that the augural apparatus is retained for the opinion of the common people and the utility of the state, and his immediately following judgement on Claudius, are *De Divinatione* 2.70–71; the remark on the chicken-keeper is 2.74. *De Divinatione* is a dialogue and the extent to which Book II represents Cicero's settled position rather than an exercise in Academic argument is debated, though he is speaking in his own voice and was a serving augur when he wrote it. On the frequency of *obnuntiatio*, this module follows the scholarly observation that no specific instance of its use against sought auspices is documentable before 59 BC and that Cicero's claims of a century of such use are unsupported by cases; the precise content of the *leges Aelia et Fufia* and of Clodius's amendment of 58 is obscure, and our main source for both is Cicero writing polemically against Clodius, so only the uncontested outline is relied on. The fetial procedure is described in Livy 1.32 and in later antiquarian sources, all considerably later than the archaic practice they purport to record. Modern scholarship (Beard, North and Price, Linderski, Rüpke, Flower, Rasmussen) is paraphrased and credited, not quoted at length.

WHAT THEY WISHED THEIR CHILDREN TO LEARN

Module 4 · Formation — an order with no schools, no doctrine and no examination, which formed its rulers in private houses and its subjects on a patron's doorstep, and which would make a citizen of a slave long before it would make one of a free Samnite who had fought in twenty of its campaigns

The framework arrives at this module expecting a specific finding: that the order builds an apparatus of formation — schools, seminaries, a curriculum, an examination — and then withholds it from the majority, because forming a man properly means eventually admitting him, and admitting him is the thing the order will not do. The prediction is a good one and it has held across the colonial cases. It does not hold here, and the reason it does not hold is worth more than the prediction would have been.

The Roman Republic had no schools. Not schools reserved for the elite, not schools grudgingly extended, not a controlled curriculum: no state provision of education of any kind at any point in four and a half centuries. There was no ministry, no inspectorate, no public teacher on a public salary, no examination for any office, and no qualification for the Senate except having held a magistracy, and none for the magistracy except property, age and ten years in the army. Private teachers existed and multiplied, particularly from the second century, and elementary instruction in letters and counting could be bought in the Forum by anyone with the fee. But the state neither supplied nor certified nor licensed nor forbade any of it — until, on one striking occasion, it did forbid some of it, and that occasion is where this module ends.

So the question the framework asks has to be re-put. Not *what formation was withheld from whom* — nothing was formally withheld, because nothing was formally provided — but **how a governing class reproduced itself for four centuries with no institution designed to reproduce it**, and what the answer to that did to everybody outside it.

The hall, the older man, and ten campaigning seasons

A Roman noble's formation happened in three places, none of them a classroom.

The first was his own house. Roman aristocratic architecture put the *atrium* at the front — a high public room, open to the street through the entrance passage, where clients waited in the mornings and business was done. In cupboards along its walls stood the wax masks of the family's office-holding dead, each with the honours attached, and a boy grew up walking past them daily and being told, repeatedly and by name, what each of them had done. The masks came out for funerals and were worn through the streets by hired men matched for build; the eulogy in the Forum ran through every one of them in turn. Polybius, who watched this happen, thought it was the most effective educational device in Rome, and he was almost certainly right. It taught no content whatever. What it taught was an expectation, delivered to a specific child about a specific debt, and it was reinforced by the physical fact that the debt was standing in a cupboard in the front hall where the household could see it.

The second was another man's house. When a young noble put on the plain white toga of adulthood, the customary next step was the *tirocinium fori* — a period attached to a senior figure, often a family friend or a connection of his father's, during which he stood at the man's shoulder in the Forum, attended his cases, listened, carried things, and learned by watching how a Roman of consequence conducted himself in public. He was not taught; he was placed where the thing happened. Cicero, who came from outside the governing families, describes attaching himself in this way to the augur Quintus Mucius Scaevola, and it is one of the reasons he got where he got.

The third was the army. As established earlier in this study, Polybius records that no man was eligible for political office at Rome until he had completed ten years' service. There was no civilian route in. A future consul spent a decade in the field first — as a cavalryman, as a staff officer, as a military tribune — and by the time he stood for the quaestorship he had personally seen what the state did for a living.

After that came the ladder of offices, the *cursus honorum*: quaestor, then aedile or tribune of the plebs, then praetor, then consul, each an elective office, each held for a year, each requiring the man to go out and be chosen. In 180 BC a law of the tribune Lucius Villius fixed minimum ages and intervals between offices, and Sulla tightened the scheme in the 80s; the precise content of the earlier law is thinly attested and it appears to have codified an existing convention rather than invented one, which is the ordinary Roman pattern.

Note what this sequence is. It is an apprenticeship, and every stage of it runs through a private household or a public competition rather than an institution. It has no syllabus and no certificate, and it cannot be entered by an act of will.

The ladder also emptied a man's purse

There is a second filter inside the *cursus* and it is financial rather than social.

The aedileship — the optional rung between quaestor and praetor — carried responsibility for the city's markets, buildings and, crucially, its public games. The state's allocation for the games was inadequate, and a man who wanted to be remembered at the praetorian elections made up the difference from his own fortune. The practice escalated across the second and first centuries until it was ruinous: Caesar's aedileship in 65 left him with debts on a scale that shaped the rest of his career.

So a Roman political formation cost money at every stage. It required a property qualification to serve at all, a decade in which a man produced no income and equipped himself, an absence from any trade or profession (senators were formally restricted in commerce), and then a period of competitive expenditure on public entertainment. None of this was framed as an exclusion of the poor. All of it excluded them absolutely, and it did so without a single rule saying so.

What formed everybody else

Below the governing class, Roman formation was not instruction at all. It was obligation, and its unit was the patron and the client.

The relation is old — older than the Republic, on any account — and the earliest surviving legal text confirms both its antiquity and its seriousness. The Twelve Tables, traditionally of 451–450 BC and surviving only in the quotations of later writers, contained the clause:

> *"Patronus si clienti fraudem fecerit, sacer esto."*
> *"If a patron has defrauded his client, let him be forfeit."*

Sacer is the strongest word available: originally it made the man's life forfeit to the gods, and it came to mean outlawed, without legal protection, killable. A society that puts the betrayal of a dependant in the same category as sacrilege is telling you what it thinks holds it together.

In practice, by the middle Republic, this meant a daily traffic. Clients came to the patron's house at dawn for the *salutatio*, were received in the *atrium* under the masks, and asked for what they needed: a loan, a word with a magistrate, representation in court, a place for a son, a decision from someone who knew someone. In return the patron received attendance — an escort through the Forum, a body of supporters at an election, a visible retinue that was itself the measure of his standing. Neither side experienced this as instruction and no doctrine was transmitted. What was transmitted

was a working understanding of where one stood, whom one asked, what was owed, and what could be expected — which is formation of a functional kind, delivered through obligation instead of teaching.

The mechanism scaled remarkably. A freedman was the client of the man who had freed him. A colonist in Lucania was in the clientele of the family that had settled the colony. A conquered town acquired the general who had taken it, or the man who had spoken for it in the Senate, as its patron, and its embassies went to his house. Whole provinces were held in the clienteles of particular families across generations. Rome governed an enormous territory with a public administration that would have embarrassed a medium-sized modern town, and the reason it could is that the private networks were doing most of the work.

The channel that was open, and to whom

Then there is the mechanism that has no parallel in the colonial cases in this collection, and it needs to be set down carefully because it is easy to sentimentalise and easy to dismiss.

At Rome, a slave formally manumitted by a citizen owner became a Roman citizen. Not a freedman with an intermediate status, not a protected resident: a citizen, able to vote, to make a valid Roman marriage, to own and bequeath under Roman law, and to have free-born children with no disability at all.

The restrictions were real and should be stated with the fact. The freedman owed continuing duties to his former owner, now his patron. He was in practice enrolled in the urban voting tribes, of which there were four out of thirty-five, which diluted the freedman vote nearly to nothing in assemblies that voted by tribe. He did not hold magistracies or enter the Senate. What he acquired was legal standing and a starting position; what his son acquired, born free, was the whole thing.

The clearest measure of how strange this looked from outside comes from an outsider who wanted to copy it. In the 210s, in letters inscribed on stone at Larisa in Thessaly, King Philip V of Macedon pressed the Larisaeans to restore citizens they had struck from their rolls, and argued from example:

> *"...it is also possible to look at the others who make use of similar enrolments of citizens, among whom are the Romans, who receive into the state even slaves, when they have freed them, giving them a share in the magistracies, and in such a way not only have they augmented their own fatherland, but they have also sent out colonies to almost seventy places."*

A Macedonian king, at war with Rome, holding Rome up to a Greek city as the model of how to grow a citizen body. His information is slightly wrong in the informative direction — freedmen did not receive a share in the magistracies — and the error is exactly what an admiring foreigner would make, because from a distance the distinction between citizenship now and full political capacity in the next generation is invisible. But the substance is right, and Philip understood the mechanism perfectly: Rome's citizenship was not an ethnic property. It was an expandable category, and expanding it made Rome bigger.

And the channel that was shut

Now set beside that the people Rome did not admit.

By the end of the third century, as established earlier in this study, something close to three-fifths of Rome's military capacity was supplied by the Italian allies. They raised, officered, armed and paid their own contingents. They served in every campaign, took casualties in every war, and received a share of plunder at the commander's discretion and no share whatever of the land settlements or the political decisions. They were free-born men of ancient communities, many of them culturally indistinguishable from Romans after a century of proximity, and they were not citizens.

Rome made no attempt to form them. There was no programme of Romanisation in the Republic — no schools sent out, no language policy, no imposed cult, no attempt to produce Roman-thinking Italians. Latin spread across Italy, and it spread by contact, commerce, colonies and self-interest, at the pace those things set. The state's posture towards the inner lives of the Italians was not hostility. It was indifference, which produced the same result more cheaply.

The arithmetic can simply be laid out. A Greek or Syrian slave in a Roman household, purchased, could be freed by his owner and become a Roman citizen in an afternoon. A free-born Marsian whose family had sent men to the legions for a hundred and fifty years could not become one at all. The first man's route ran through a private household, which was where every Roman channel ran. The second man had no household to run through, because he had never been anybody's property.

Repeated proposals to extend the citizenship to the allies — by Fulvius Flaccus in 125, by Gaius Gracchus, by Livius Drusus in 91 — failed, and Drusus was assassinated. In 91 the allies stopped asking. The Social War that followed cost Rome something in the order of a hundred thousand dead across both sides on the usual estimates, and it ended with Rome granting the citizenship it had refused, to communities that had by then fought it to a standstill. What the political process would not concede in thirty-

five years of argument was conceded in two years of war, and the terms were roughly what Drusus had proposed.

When formation became a thing that could be bought

The last piece of evidence is the one that shows the system recognising a threat, and it is a public document in the state's own voice.

Greek teaching had been arriving at Rome for a century and the reaction was ambivalent. In 161 BC the Senate acted:

> *"C. Fannio Strabone M. Valerio Messala consulibus M. Pomponius praetor senatum consuluit. Quod verba facta sunt de philosophis et rhetoribus, de ea re ita censuerunt, ut M. Pomponius praetor animadverteret curaretque, uti ei e re publica fideque sua videretur, uti Romae ne essent."*
> *"In the consulship of Gaius Fannius Strabo and Marcus Valerius Messala, the praetor Marcus Pomponius consulted the Senate. Whereas words were spoken concerning philosophers and rhetoricians, on that matter they decreed thus: that the praetor Marcus Pomponius should see to it and take care, as should seem to him consistent with the public interest and his oath, that they should not be at Rome."*

Seventy years later the censors of 92 BC — Gnaeus Domitius Ahenobarbus and Lucius Licinius Crassus — issued an edict, preserved by Suetonius and independently by Aulus Gellius, that repays reading in full:

> *"Renuntiatum est nobis esse homines qui novum genus disciplinae instituerunt, ad quos iuventus in ludum conveniat; eos sibi nomen imposuisse Latinos rhetoras; ibi homines adolescentulos dies totos desidere. Maiores nostri, quae liberos suos discere et quos in ludos itare vellent, instituerunt. Haec nova, quae praeter consuetudinem ac morem maiorum fiunt, neque placent neque recta videntur. Quapropter et eis qui eos ludos habent, et eis qui eo venire consuerunt, videtur faciundum ut ostenderemus nostram sententiam, nobis non placere."*
> *"It has been reported to us that there are men who have set up a new kind of training, and that the young gather at their school; that they have given themselves the name of Latin rhetors; that there young men sit about whole days long. Our ancestors laid down what they wished their children to learn and what schools they should attend. These new things, which are done contrary to the usage and custom of our ancestors, neither please us nor seem right. Wherefore it seems necessary that we declare our opinion, both to those who keep these schools and to those who are accustomed to go there — that they do not please us."*

Read it for what is objected to, because the obvious reading is wrong. It is not an attack on rhetoric. Both censors were educated men and Lucius Licinius Crassus was the finest orator of his generation, formally trained in Greek, and Cicero's model of what a Roman speaker should be; in *De Oratore* Cicero has Crassus refer to *my edict as censor* and explain his objection, which came to little more than that the schools taught nothing but effrontery.

What was new was not the subject. It was that public speaking — the single indispensable skill of Roman political life, the thing a young noble acquired by standing at a great man's shoulder for years — had become a course of instruction, taught in Latin, in a room, to whoever could pay the fee. A capacity that had existed only inside the households of the governing class, and could be obtained only by being admitted to one, was being manufactured and sold.

The censors named the innovation precisely and objected to it in the only vocabulary the order possessed: *our ancestors laid down what they wished their children to learn*. It is the standard Roman move — the new thing is refused not on its merits but as a departure from ancestral practice, by men who were themselves the authorised readers of what the ancestors had done. And it failed completely. The Latin schools multiplied; within forty years the young Cicero, a nobody from Arpinum, had used exactly that kind of training to talk his way into the consulship.

Reading formation against the framework

The framework predicted formation withheld from the majority — an apparatus built, then denied — on the ground that to form a man properly is eventually to admit him. Rome shows the same exclusion produced by the opposite arrangement, and that is this module's contribution: **where a governing class forms itself by household apprenticeship rather than by school, exclusion is automatic and requires no policy.**

Nobody at Rome was barred from the formation that made a consul, because there was no institution from which to bar anyone. The pipeline was a set of private houses — a hall with masks in it, a senior man willing to have you at his shoulder, a decade in the field paid for out of your own property — and a pipeline made of houses admits only those already inside or already attached. This is cheaper than a policy of exclusion and far harder to attack, because there is no statute to repeal, no institution to open, and no one to accuse. It is precisely the settlement-by-omission established earlier in this study, applied to persons instead of land: a determinate distribution produced by leaving something unbuilt, favouring exactly whom one would expect, with no author anywhere.

That yields a diagnostic worth carrying to other cases. **An order formed by apprenticeship will treat the appearance of purchasable, replicable formation as a threat, and will say so in the language of ancestral custom.** The edict of 92 BC is as clean a specimen as this collection is likely to find: two censors, one of them the age's greatest orator, publishing an official statement that schools teaching public speaking in Latin displease them, on the sole stated ground that the ancestors had settled what children should learn. They had correctly identified what was happening. A skill that had been an inheritance was becoming a commodity, and commodities can be bought by people whose grandfathers were nobody.

And the compounding is with what the study has already found about the shape of Roman citizenship. The one channel Rome kept genuinely open ran through the household as well: a slave could be freed into the citizen body because he was inside somebody's house, and it is the household relation, not any principle of inclusion, that carried him across. The free Italians had no such relation and no such route, and the state that would enfranchise a purchased Syrian in an afternoon spent thirty-five years refusing the men supplying three-fifths of its army. This is not hypocrisy and naming it as such would be too easy; it is what happens when every mechanism of admission in an order is a private one. A household-based order can absorb individuals indefinitely and cannot absorb a people, because a people has no patron. The bill for that arrived in 91 BC, and the modules on coordination and collapse will have to reckon what it cost.

A note on sources. Primary quotations are from public-domain texts. The senatorial decree of 161 BC and the censorial edict of 92 BC are preserved by Suetonius, *De Rhetoribus* 1, and the edict independently by Aulus Gellius, *Noctes Atticae* 15.11, whose texts agree in substance; the translations here are made from the Latin as those texts give it. Crassus's later comment on his own edict is Cicero, *De Oratore* 3.93–94, where the objection is put in terms of the schools teaching only impudence. The Twelve Tables clause on patrons is quoted by Servius commenting on Virgil; as with all of the Twelve Tables, no continuous text survives and every provision is known only from later quotation, so the wording is as the quoting author gives it and the arrangement into tables is a modern reconstruction. Philip V's letters to Larisa are IG IX.2 517, of 217 and 215 BC, quoted here in a standard English translation; Philip's statement that Roman freedmen received a share in the magistracies is inaccurate and is flagged as such in the text. Polybius on the ancestor masks is *Histories* 6.53–54 and on the ten-year service bar 6.19.3. Contested matters are flagged rather than resolved: the precise content of the *lex Villia annalis* of 180 BC, which is attested by very few ancient references and may have codified existing convention rather than created a scheme, with several of the minimum ages usually quoted deriving from Sulla's later

legislation; the casualty figures for the Social War, which are estimates with a wide range and are given here only as an order of magnitude; and the extent and pace of Latinisation in Italy, on which the epigraphic evidence supports gradual, contact-driven change rather than any programme. The restriction of freedmen to the four urban tribes was itself contested and altered several times during the Republic and is given here in its usual form. Modern scholarship (Harris on literacy, Kaster on the rhetorical schools, Flower on the ancestor masks, Mouritsen on freedmen, Wallace-Hadrill, Cornell, Bradley) is paraphrased and credited, not quoted at length.

THE CROSS THEY KEPT FOR SLAVES

Module 5 · The Cost Column — an order that ran four price lists at once, sorted by legal status, in which the emptying of the citizen's column was paid for directly out of the filling of the others, and in which the tariff was not a hidden scandal but a publicly stated structure

The framework arrives here with two questions: what does compliance cost, and what does defiance cost. Put to Rome as single questions they produce nonsense, because the same act performed on two bodies in the same street carried prices that differed by orders of magnitude, and everybody involved knew it and said so.

So the columns have to be run in parallel — for the Roman citizen, for the Italian ally, for the provincial, and for the slave — and the finding of this module lies not in any one of them but in the relation between them, which turns out to be arithmetical.

The citizen's column, and the year it emptied

A Roman citizen of the middle Republic owed the state two things: his body in the levy, and the *tributum*, the direct property tax assessed on the census and levied to pay the soldiers.

Both were real obligations and neither was small. Sixteen years' liability for infantry service, on Polybius's figure, is a great deal of a man's life; the *tributum* was assessed on the property that also determined his class in the levy. But note the structure, established earlier in this study: the assembly that voted the war and elected the commanders was the same body, sorted by the same property classes, that supplied the men and paid the tax. The Roman citizen was not being taxed by somebody. He was, in a weighted and imperfect but real sense, taxing himself.

And then the tax stopped.

In 168 BC Lucius Aemilius Paullus destroyed the Macedonian army at Pydna. The following year the booty came home, and the *tributum* was suspended. It was not levied again on citizens in Italy for over a century — not until the civil wars of the 40s and 30s forced its brief return. Cicero and the elder Pliny both record the fact, and Roman writers treat it as a landmark: from 167 the Roman citizen paid no direct tax on his property.

What the treasury lived on instead was the provinces, and what happened in the same year the tax ended is on the record in the same sources. Under instructions from the Senate, on his way home from Macedonia, Paullus turned on Epirus, whose sympathies had been suspect. The ancient accounts state that seventy towns were sacked and one hundred and fifty thousand people sold into slavery. The figure comes from Polybius through Livy and Plutarch, and it is an ancient round number that modern scholars treat with caution; the order of magnitude is what matters and no serious reduction changes the shape.

Set the two facts in the same year and the arithmetic requires no commentary. In 167 BC the Roman citizen's direct tax obligation ended permanently, and in 167 BC a Roman army sold a nation.

And the citizen's body came out of the column too

The other half of the citizen's column was emptied more slowly and by a different mechanism, and the sequence is one of the clearest ratchets in the Republic's history.

In the archaic law a citizen's own body stood as security for his debts. Under *nexum* a man pledged himself, or his son, against a loan; on default the creditor could take him and hold him in a condition close to slavery. The Twelve Tables allowed a judgement creditor to bind a defaulting debtor, display him publicly on three market days, and finally sell him abroad or kill him. This was the standing condition of the Roman poor for the first two centuries of the Republic, and the recurrent political crises of that period — the secessions, the debt agitations — were substantially about it.

It ended with the *lex Poetelia Papiria*, which Livy dates to 326 BC and Varro to 313. The law removed the debtor's person from the creditor's reach: property remained liable, the body did not. Livy attaches the reform to a scandal, in the ordinary Roman fashion — a youth bound for his father's debt, propositioned by his creditor, stripped and flogged when he refused, running bleeding into the street — and the details are the kind of thing that accretes to a law after the fact. The change itself is not in doubt, and the precise provisions are only partly recoverable.

Alongside it ran the protections against magistrates. *Provocatio* — the citizen's appeal to the people against a capital or corporal sentence — is dated by tradition to the Republic's first year, and was reinforced repeatedly, most substantially by the *leges Porciae* of the second century, which extended protection from summary flogging beyond the city. The repetition is itself evidence that the earlier versions were leaky. But the direction is unmistakable and the destination is clear.

Read the two centuries as a single movement. By the middle Republic a Roman citizen could not be seized for debt, could not be flogged by a magistrate without

appeal, could not be executed without a vote of the people, and after 167 paid no direct tax at all. His column was as close to empty as any subject population in this collection ever gets.

The framework's instinct at this point is to read that emptiness as belief — a robe so well fitted that the order had become nearly free to hold. That reading is available and it is wrong, and the rest of the module is the reason.

The ally's column: supply the men, and do not ask

The Italian allies supplied, by the survey of 225 BC, something close to three-fifths of Rome's military capacity. They raised the men, officered them, armed them and paid them; Rome supplied grain and command. They paid no *tributum* to Rome, which sounds like a privilege until one notices what it means: their contribution was taken in men rather than money, and men are not refundable.

They received a share of plunder at the commander's discretion, no share of the land settlements that followed conquest, and no vote on any of it. And the price of defiance was set publicly and early.

Capua, the richest city in Campania and a Roman ally, went over to Hannibal in 216. When Rome retook it in 211 the leading men were executed, the population was dispersed or sold, the entire territory was confiscated into the Roman public land, and the city was stripped of self-government altogether — no senate, no magistrates, no civic existence, administered thereafter by a prefect sent from Rome. The city itself was not razed; the community was abolished.

Fregellae, a Latin colony in the Liris valley that had been conspicuously loyal to Rome for a century and a half, revolted in 125 BC. The context matters: the revolt came in the same year as the first serious proposal to extend Roman citizenship to the allies, and it is generally read as arising from that frustration. Rome took the town and destroyed it. A colony was planted nearby with a different name, and Fregellae ceased to exist.

That is the ally's column in full. Compliance: an indefinite obligation to supply soldiers at your own expense, with no vote, no land and no term. Defiance: the erasure of your community from the map. It should be no surprise that the allies did not test it again for thirty-four years, and that when they did in 91 BC they did it all at once and with the whole of central Italy.

The provincial's column: a tenth, and whatever the governor could take

Overseas the arrangement was frankly extractive and made no pretence otherwise.

The provinces paid. In Sicily, Rome inherited the tithe system of the Syracusan kings largely intact — a tenth of the grain crop, with the right to collect it auctioned to contractors. In Spain and elsewhere a fixed *stipendium* was levied. In Asia, after 123, the tax farm was auctioned at Rome to companies of *publicani* whose profit was whatever they could extract above the bid.

Then, on top of the assessed tax, came the governor. A Roman provincial governor held *imperium* in a territory where the axe stayed in the bundle, served for a year or two, was accountable only to a court at Rome staffed by men of his own class, and had every incentive to recover the cost of his election. The extortion court, the *quaestio de repetundis*, existed from 149 BC precisely because this was understood to be the normal condition of provincial government, and its record of convictions is not impressive.

We know the details because a young Roman advocate wrote them down at length in 70 BC in order to destroy Gaius Verres, governor of Sicily. The Verrines are a prosecution speech and must be read as one — Cicero was building a career and the charges are marshalled for maximum effect — but their evidentiary value is not in any particular allegation. It is in what Cicero could safely assume a Roman jury would find outrageous, and what he could assume they would not.

The slave's column, and the tariff stated aloud

The bottom of the order was slavery, and its scale was a direct product of everything above.

Rome's wars produced captives on a scale no earlier Mediterranean state had managed, and the captives were sold. The Epirote figure of 167 is one year's operation. Across the second century the flow was continuous, and the estates that had grown on the undivided public land absorbed it. The consequences were what one would expect: three major slave wars in seventy years — Sicily in the 130s, Sicily again around 104–100, and the rising in Italy under Spartacus from 73 to 71.

The end of the last of these gives the clearest single statement of what defiance cost at the bottom. Appian reports that after the defeat, six thousand of Spartacus's followers were crucified along the road from Capua to Rome. He is writing more than two centuries later and the figure is his alone; it should be held as an ancient report

rather than a count. What is not in question is the method or the intent, which was that the road be a notice.

And here the module's central evidence arrives, because Cicero states the tariff explicitly, in open court, as something his audience already knows.

The charge concerned a man named Publius Gavius, whom Verres had arrested at Messana. Gavius claimed Roman citizenship. Cicero describes what followed:

> *"Cum is, qui se civem Romanum esse clamaret, in crucem ageretur..."*
> *"While the man, crying out that he was a Roman citizen, was being driven to the cross..."*

Cicero adds that Verres chose the site deliberately — a cross set up on the shore, facing across the strait to Italy — and quotes the governor's words:

> *"'Spectet,' inquit, 'patriam; in conspectu legum libertatisque moriatur.'"*
> *"'Let him look at his fatherland,' he said; 'let him die in sight of the laws and of liberty.'"*

Then comes the sentence that this module exists to set down:

> *"Facinus est vincire civem Romanum, scelus verberare, prope parricidium necare: quid dicam in crucem tollere? Verbo satis digno tam nefaria res appellari nullo modo potest."*
> *"It is an outrage to bind a Roman citizen, a wickedness to flog him, all but parricide to kill him: what shall I say of hanging him on a cross? No word can be found adequate to name so abominable a deed."*

That is a price list. And a few pages earlier Cicero makes the other half of it entirely explicit, accusing Verres of having released condemned slaves from execution:

> *"...quam damnatis crucem servis fixeras, hanc indemnatis videlicet civibus Romanis reservares?"*
> *"...so that the cross you had set up for condemned slaves, you were keeping, it seems, for uncondemned Roman citizens?"*

Read what the argument requires. Cicero is not contending that crucifixion is wrong. The entire rhetorical structure depends on the jury agreeing that the cross is the correct and unremarkable instrument for slaves — that is the whole force of *the cross you had set up for slaves* — and being appalled only that it was applied to the wrong category of person. Binding, flogging and killing are named as outrages *against a*

Roman citizen, in a sentence whose escalating clauses only work because everyone present knows that all four acts are routine one legal status down.

This is the most eloquent man in Rome, prosecuting an abuse, before a jury of the governing class, and the graded tariff is not something he is exposing. It is the shared premise he is arguing from.

What the columns add up to

Set the four side by side and the relation between them is not moral but mechanical.

The Roman citizen, by the last century of the Republic, paid no direct tax, could not be seized for debt, could not be flogged or executed by a magistrate without appeal, and received distributed land, a vote, and a share of plunder. The Italian ally supplied soldiers indefinitely at his own cost, received no vote and no land, and faced the abolition of his community if he refused. The provincial paid a tenth or a fixed sum, plus whatever the tax-farmers and the governor could take on top, and had recourse only to a court at Rome composed of the governor's peers. The slave was the instrument of production on the estates and the object of the cross, and the road from Capua to Rome was fitted out with six thousand examples of what happened if that arrangement was contested.

The citizen's column did not empty because the order became more just, and it did not empty because a story took hold and made coercion unnecessary. It emptied because the revenue and the coercion were both sourced from outside it. The precise date at which the citizen stopped paying direct tax is the precise date at which the provinces began paying for the Roman state, and the year in which both happened is the year a Roman army sold a hundred and fifty thousand Epirotes.

Reading the cost column against the framework

The framework's two dials assume a single governed population whose compliance is being priced. Rome shows an order running four price lists simultaneously, sorted by legal status rather than by geography, and the finding this module offers is the relation between them: **the cost column is not emptied, it is relocated.**

Where an order can source its revenue and its coercion from outside its citizen body, the internal dials will read near zero, and reading that as evidence of a well-believed order is a category error. Compliance was never being priced against a threat for the Roman citizen of the second century, because compliance was not what he was giving. He was a shareholder receiving a distribution. The correct diagnostic follows directly, and it can be taken to any case in this collection: **when a population appears to bear**

almost no cost of compliance, do not conclude that the robe took — find the column the cost was moved to, and check whether it is inside the order or outside it. For Rome the answer is on the record with dates attached.

That compounds precisely with what the study has already established. The floor was pointed outward, disbanded each autumn and re-raised each spring against whichever neighbour the year supplied — which is what made the relocation possible in the first place, because an army of the citizen body cannot be used to squeeze the citizen body but can be used indefinitely on everyone else. The settlement was made by omission, so the conquered land accumulated as a common reserve that could be distributed downward when the domestic pressure required it. And every channel of admission ran through a private household, which is why status functioned as an absolute sorting rather than a spectrum: a man was in one column or another, and the column determined whether the same physical act performed on his body was a routine administrative measure or a crime with no adequate name.

The second contribution is smaller and sharper, and it concerns what such an order will say about itself. **A tariff graded by status does not have to be concealed; where the sorting is legally explicit, the tariff will be stated openly, and its clearest statement will come from the order's own reformers in the act of denouncing an abuse.** Cicero was prosecuting a genuine atrocity, on behalf of genuine victims, at some risk to himself, and he did it by reciting the price list. He needed the jury to hold the tariff firmly in mind, because his case was that Verres had applied the wrong line of it. Nothing in the collection so far demonstrates as economically that an order's most articulate critic and its most articulate defender can be the same man in the same speech.

What this leaves unresolved is the question that will come due later. An order whose internal peace is purchased with externally sourced funds has made its domestic settlement conditional on continuous external success — and by the last century of the Republic the sources had begun to consolidate in the hands of individual commanders rather than flowing to the treasury. Who collected the distribution, and to whom the soldiers looked for it, is the subject of the modules on extraction and coordination.

A note on sources. Primary quotations are from public-domain texts. The Gavius passages are Cicero, *In Verrem* 2.5.162–170, with the statement of the tariff at 2.5.170 and Verres's reported words at the same section; the remark about the cross set up for condemned slaves is 2.5.12. The Verrines are a prosecution speech, composed for effect and in large part never delivered, and are used here for what they show about shared assumptions rather than as a neutral record of Verres's conduct. The suspension of the *tributum* after 167 BC is recorded by Cicero, *De Officiis* 2.76, and Pliny, *Naturalis*

Historia 33.56; it was reimposed only briefly during the civil wars between roughly 49 and 31. The sack of Epirus and the figure of seventy towns and one hundred and fifty thousand enslaved derives from Polybius 30.15 and appears in Livy 45.34 and Plutarch, *Aemilius Paullus* 29; it is an ancient round figure and modern estimates treat it with caution, so it is given here as the ancient report and the argument does not depend on its precision. The abolition of *nexum* by the *lex Poetelia Papiria* is dated by Livy 8.28 to 326 BC and by Varro to 313, with other sources implying a date after 321; the discrepancy is left standing, the law's full provisions are not recoverable, and some scholars have questioned the institution's precise character. The figure of six thousand crucifixions after the defeat of Spartacus is Appian, *Civil Wars* 1.120, writing more than two centuries after the event and unsupported by any earlier source; it is reported here as his figure. The treatment of Capua in 211 follows Livy 26.15–16 and 26.34, and the destruction of Fregellae in 125 is attested only briefly in Livy's summaries and later sources, so its causes are inferred rather than documented. Polybius on the service terms is 6.19 and on allied manpower 2.24. Modern scholarship (Nicolet, Brunt, Bradley, Roselaar, Rosenstein, Tan on Roman public finance, Lintott on the extortion court) is paraphrased and credited, not quoted at length.

FIFTY MILLION, AND NOW EIGHTY-FIVE

Module 6 · Extraction — a state that never built a revenue service, but licensed the right to collect and left the spoils to the discretion of whoever took them, and so watched both channels accrue over a century to the men operating them

The Roman treasury was a room. The *aerarium* was housed in the temple of Saturn at the foot of the Capitoline, supervised by quaestors — junior magistrates in their thirties, holding office for a year, at the beginning of their careers rather than the end — assisted by public slaves and clerks who supplied the only institutional memory the place had.

There was no budget in any recognisable sense: no annual estimate, no appropriation, no forecast. There was no revenue department, no assessment office, no inspectorate, no professional financial administration of any kind. Rome governed the Mediterranean with a fiscal apparatus that a medium-sized Hellenistic kingdom would have regarded as insufficient for a single province.

This is not an oversight to be explained away. It is the same structural signature the study has now met three times, and this module is where its cost finally becomes visible. Rome did not build the instrument. It licensed the function and let the gap be filled.

Three channels, and the state operated none of them

What flowed into Rome after the second-century conquests came through three channels, and it is worth being precise about who physically handled the money in each.

The first was the assessed provincial tax. In Sicily, Rome took over the tithe system of the Syracusan kings largely as it stood — a tenth of the grain, collected under an existing local law. In Spain and elsewhere a fixed *stipendium* was imposed. In Asia after 123 the tax was a proportional levy on the province's produce. In no case did a Roman official assess or collect it. The right to collect was auctioned.

The second was state property: chiefly mines, salt-works, harbour dues and the rents on such public land as still yielded them. These too were leased out at auction by the censors, in five-year cycles.

The third was booty, taken in the field by the army, and its handling is the module's hinge. There was no rule allocating war spoils. The commander decided. He decided how much went to the treasury, how much was distributed to the soldiers and in what shares, and how much he retained as *manubiae* — a category of funds understood to be his to disburse, in practice largely for public building and public display, and in practice unaudited. Custom shaped this heavily; law did not govern it.

So of the three streams that funded the Republic, the state's own officers touched only the receipts.

The contract, and the men who bid for it

The *publicani* were companies of investors — mostly of the equestrian order, men with capital and without political careers — who bid at auction for the right to collect a specified revenue over a specified term. The winning bid was payable to the state; everything the company could extract above that figure was its profit; everything short of it was its loss.

Consider the position of a company that has just won a five-year contract on a province. It has paid a large sum in advance to a treasury that will not refund it. It has five years, an unfamiliar territory, no coercive power of its own, and a fixed target it must exceed to see any return at all. What it will do is entirely determined by that position and requires no imputation of cruelty: it will collect to the limit of what the province can bear, it will lend at interest to communities that cannot meet the assessment on time, and it will apply to the governor — who has troops — when a city will not pay. Nothing about this is a corruption of the system. It is the system, operating as designed, by men doing exactly what their position instructed them to do.

The moment the arrangement was extended to the richest province in the empire is well dated and its author is instructive. In 123 BC Gaius Gracchus carried a law putting the taxation of Asia on the censorial auction footing, and a further measure transferring the juries of the extortion court from senators to equestrians.

Read from his position, neither measure was a design for provincial exploitation. Gracchus needed money for the subsidised grain distribution at Rome, and he needed a counterweight to a Senate that had killed his brother and had shown that senatorial juries would not convict senatorial governors. The richest province and the wealthiest non-senatorial order were the materials on the table. He used them, and in doing so he handed the collection of Asia's revenue to a class of investors and simultaneously handed that same class the court that tried governors who obstructed them. The combination was not his object. It was the by-product of solving two problems at once with the only instruments available, and it shaped the next eighty years.

Forty thousand men, and twenty-five thousand drachmae a day

The state property channel can be given a figure, because Polybius, who had been in Spain, gave one.

Strabo preserves his account of the silver mines outside New Carthage: an operation covering an area some four hundred stadia in circuit, twenty stadia from the city, with forty thousand men working in it, returning twenty-five thousand drachmae a day to the Roman treasury. The figure is Polybius's own and comes from the middle of the second century.

Two things about it. The first is the labour: forty thousand people underground, in an industry whose conditions ancient writers describe without much euphemism, producing a daily revenue stream for a treasury a thousand miles away. This is the far end of the arrangement the previous module described — the citizen's tax abolished in 167 and the money found elsewhere. Here is one of the elsewheres, with a headcount.

The second is Strabo's own aside, written in the Augustan period. The mines were still being worked, he says, but they were no longer public property: at New Carthage and elsewhere they had passed into private hands.

That sentence should be read slowly. The greatest single revenue asset the Republic had acquired by conquest — a source that had paid the state twenty-five thousand drachmae a day — ended in private ownership. Strabo mentions it in passing, as an unremarkable fact about how things now stood.

What the assessed tax became when a general needed money

The clearest case of what a licensed channel does under pressure comes from Asia in the 80s.

In 88 BC Mithridates VI of Pontus overran the Roman province of Asia, and the resident population of Roman and Italian businessmen — tax contractors, bankers, traders — was massacred at his order in a coordinated action across the cities. The ancient figures for the dead begin at eighty thousand and run higher; all of them are late, none is checkable, and the range should be held as a range. What the episode establishes is not a count. It establishes that a very large population of Roman and Italian money-men was resident in the province, that the cities knew exactly who they were, and that killing them was popular enough to be organised simultaneously in many places.

When Sulla retook the province in 85–84, he assessed it for its disloyalty at twenty thousand talents. Lucullus, then his quaestor, was set to collect it, dividing the province into forty-four districts for assessment. The cities could not pay it out of

income and so borrowed it, from the same Roman financiers, at compounding rates that the sources put in the region of several per cent per month.

By the time Lucullus returned as commander in the region some fifteen years later, Plutarch reports that the twenty thousand talents had become one hundred and twenty thousand — this despite some forty thousand having already been paid. Lucullus intervened directly: he capped interest at one per cent a month, forbade accrued interest to exceed the principal, barred lenders from adding interest to the capital, and restricted what proportion of a debtor's income could be taken. Plutarch says the province cleared its debts within four years.

The *publicani* went to work at Rome, and in due course Lucullus lost his command.

That is a complete demonstration of what a licensed channel becomes. A private interest, created by statute in 123 to solve a domestic political problem, had by the 60s grown into a lobby capable of removing a victorious proconsul from the field for reducing the interest rate.

The commander's channel, and what it did to the soldiers

Meanwhile the third channel — the one with no rule at all — was doing something more consequential.

A Roman commander in the field determined the disposal of what his army took. A great deal went to the treasury and was recorded in triumphal accounts with a precision that suggests the Romans took the accounting seriously. A great deal went to the soldiers, and the shares were the commander's decision. A great deal was retained and spent on temples, porticoes and public works that carried his name.

For as long as armies were seasonal levies of propertied farmers going home to their land, this discretion had a natural limit: a soldier's future did not depend on his general, because he had a farm. The recruitment change of the late second century removed that limit. Once the legions were filled increasingly with men who had no property to return to — a shift usually associated with Marius but running well before and after him — the distribution at the end of a campaign, and the land settlement at discharge, became the whole of a soldier's provision for the rest of his life. And the person who decided both was not the Senate and not the treasury. It was the man who had commanded him.

The Senate could have taken that channel back. It repeatedly declined to. When Pompey returned in 62 and asked for land for his discharged veterans, the Senate, led by Cato, refused to ratify his eastern settlement or provide the land. Read as position logic rather than as folly, the refusal is intelligible: a Senate that had watched Sulla march on Rome with an army that was loyal to him had every reason not to let another

commander distribute land to fifty thousand men in his own name. What it did instead was leave those fifty thousand men with nothing but their general's promise, and their general with nothing but them.

The tables carried in front of the procession

The single most revealing document of Roman extraction is not a law or an account. It is a placard.

Pompey's third triumph, in 61 BC, was preceded by inscribed tables listing what he had accomplished. Plutarch records what they said: the nations conquered — Pontus, Armenia, Cappadocia, Paphlagonia, Media, Colchis, Iberia, Albania, Syria, Cilicia, Mesopotamia, Phoenicia and Palestine, Judaea, Arabia, and the pirates — a thousand strongholds taken, just under nine hundred cities, eight hundred pirate ships, thirty-nine cities founded. And then:

> *"...that whereas the public revenues from taxes had been fifty million drachmas, they were receiving from the additions which Pompey had made to the city's power eighty-five million, and that he was bringing into the public treasury in coined money and vessels of gold and silver twenty thousand talents, apart from the money which had been given to his soldiers, of whom the one whose share was the smallest had received fifteen hundred drachmas."*

The figures are triumphal figures and modern scholarship treats them with the caution such figures deserve; Mary Beard notes that the parallel numbers in Appian exceed his own estimate of Rome's total annual revenue. The exact quantities are not the point.

The point is what is being announced, and by whom. The Republic's national revenue — the state's entire fiscal position, before and after — was carried through the streets of Rome on boards, in a private citizen's procession, as an item in a list of his personal achievements. And the last clause is the one to hold: twenty thousand talents to the treasury, *apart from* what had already been given to the soldiers, the least of whom received fifteen hundred drachmae.

The soldiers had been paid first, by him, at his discretion. The treasury received the balance, and was told publicly how grateful it should be.

Reading extraction against the framework

The framework asks what is extracted, through which channel, and who controls the channel. For Rome the first two answers are unremarkable and the third is the whole case.

This module's contribution is a proposition the collection can test elsewhere: **where a state has no permanent revenue apparatus, extraction is not performed by the state but licensed by it — and a licensed channel accrues, over time, to its licensee.** Rome never built the apparatus. It auctioned the right to collect the taxes, auctioned the mines and the harbour dues, and left the spoils of war to the discretion of the man who took them. Every one of these arrangements was cheap at the point of creation, which is precisely why they were chosen: a state with no bureaucracy gets its revenue on the day of the auction, with no staff, no salaries and no risk.

What it does not get is the relationship. The *publicanus* accumulates the local knowledge, the debt instruments, the resident agents and the political weight; the treasury gets the bid figure agreed in advance. The commander accumulates the soldiers' expectation of provision; the treasury gets what he decides to send. In both channels the state's take is fixed and the operator's take is residual, and over a century a residual claimant becomes the party that actually holds the asset. By the 60s the tax companies could unseat a proconsul who cut their interest rate, and the mines that had paid twenty-five thousand drachmae a day to the Roman people were private property.

From which the diagnostic follows, and it is unusually clean: **the tell is not the volume extracted but who announces it.** A state's revenue figures paraded through its own capital on placards, as one citizen's achievement, is not a symptom of vanity. It is a report that the channel has already moved, whatever the constitutional forms still say. Anyone in the Forum in 61 BC could read the boards.

That compounds with what this study has now established three times, and the pattern is complete enough to be named as the order's signature move. Rome declined to build the instrument, and let the gap be filled. It declined to divide the conquered land, and the undivided remainder went to whoever had the herds and the standing to occupy it. It declined to build schools, and the formation of its rulers ran through private households that admitted only those already inside. It declined to build a revenue service, and the collection of its taxes went to whoever could post the bid. In every case the arrangement was cheap, effective, and unattributable — no author, no statute to point at, no instrument to revoke. And in every case the gap was filled by the party that already had capital and standing, and the resulting position proved impossible to recover precisely because it had never been granted.

The Republic's characteristic economy, then, was to convert what would elsewhere be an administrative cost into a private opportunity. It bought four centuries of remarkably cheap government, and the bill was that by the end the state's land, its revenues and its armies were all held by private parties on terms the state had never written down and therefore could not amend. What happens when the men holding those channels turn out to want different things is the question of the modules that follow.

A note on sources. Primary quotations are from public-domain texts. Polybius's account of the New Carthage silver mines — the circuit, the forty thousand workmen and the daily return of twenty-five thousand drachmae — survives at second hand in Strabo, *Geography* 3.2.10, along with Strabo's own observation that the mines had by his day passed into private hands; the figures are Polybius's and are given as he reports them. The inscriptions carried in Pompey's triumph of 61 BC are reported by Plutarch, *Pompey* 45.2–4, quoted here in the standard English translation; triumphal figures were propaganda and modern scholarship treats them accordingly, with Beard noting that the corresponding numbers in Appian, *Mithridatic Wars* 116, exceed his own estimate of Rome's total annual revenue, so the quantities are not relied on and only the fact of the announcement carries argumentative weight. The growth of Sulla's indemnity on Asia from twenty thousand talents to one hundred and twenty thousand, Lucullus's interest measures and the four-year clearance of the debt are Plutarch, *Lucullus* 20; the monthly rates given in modern accounts vary and are reported here as approximate. Figures for the killing of Romans and Italians in Asia in 88 BC begin at eighty thousand and run considerably higher across late and mutually dependent sources; the range is given as a range and no figure is relied on. Gaius Gracchus's law on the taxation of Asia and his transfer of the extortion juries are attested chiefly through later sources and Cicero, and the precise terms of the tax law in particular are reconstructed rather than documented. The character of *manubiae* as commander's discretion, and the boundary between it and the treasury's share, were disputed at Rome itself and remain disputed in modern scholarship; nothing here depends on a settled definition. On the composition of the late-Republican legions, this module follows the current position that the shift towards propertyless recruitment was gradual and considerably predates and postdates the measures traditionally ascribed to Marius. Modern scholarship (Badian on the *publicani*, Nicolet, Brunt, Tan on Roman public finance, Beard on the triumph, Lintott, Rosenstein) is paraphrased and credited, not quoted at length.

WHERE IT CAN MOST EASILY BE KNOWN

Module 7 · Information and Suppression — an order whose sovereign assembly required a man's physical body in one square, whose entire communications apparatus pointed outward and none of it inward, and in which the first systematic publication of the state's proceedings was introduced as a weapon and abolished within a generation of the weapon's victory

In the colonial cases this collection has examined, the seam is a matter of distance. What the metropole is told and what the conquered live are different things, the gap is maintained by the sea between them, and the order's central administrative task is preventing the two ends from meeting.

Rome has no such geometry. The man who governed Sicily sat in the Senate the following year. The men who voted the war were the men who fought it. There was no distant public whose belief had to be managed, because the public and the governors were the same body at different removes — as this study established at the outset, the Republic was an internal capture, not a conquest arriving from elsewhere.

So the gap has to be looked for somewhere else, and it is not hard to find. It runs between being physically in the Forum on a voting day and not being there. That is the whole of it, and it is enough.

A vote you had to walk to

Rome never invented representation. There were no delegates, no proxies, no constituencies returning members, and no method whatever of voting at a distance. To exercise a Roman citizen's political rights a man had to stand, in his own person, on the Campus Martius or in the Forum, on the day the magistrate had called the assembly, and pass through the enclosure with his voting unit.

For a city-state of a few thousand adult males within a morning's walk, this is unremarkable. By the last century of the Republic the citizen body ran to hundreds of thousands, spread from Cisalpine Gaul to Bruttium and, after the Social War, across the whole peninsula. Nothing changed. The assembly still met in Rome, and the sovereign people of the Roman Republic was, on any given day, whoever had been able to get there.

This is the most consequential fact in the module and it required no policy at all. A farmer in Lucania who had a vote, a grievance, and full information about what the Senate was doing could act on none of it without a fortnight's journey each way in the middle of the agricultural year. His information problem was real but secondary. His problem was the road.

And in the Forum, only the invited spoke

For those who were present, there was a second structure, and it is easy to miss because the Roman assemblies look superficially like deliberative bodies.

They were not. A Roman voting assembly did not debate. It could not: there was no motion from the floor, no amendment, no speech from an ordinary citizen, no discussion of any kind. The assembly was convened to vote yes or no on a proposal already framed, and it did so and dispersed.

Discussion happened beforehand, at a *contio* — a public meeting held for the purpose. And the *contio* had a gatekeeper. Only a magistrate could summon one; the magistrate who summoned it decided who would address it; and nobody spoke unless invited. A tribune could call a meeting and put forward the speakers he chose. A consul could call another and put forward his. What no one could do was stand up unbidden.

The Roman citizen therefore had a vote and no floor. He could decide between two positions that other men had put in front of him, and he had no procedural means whatever of putting a third. That arrangement did not need enforcing; it was simply how the machinery was built, and it did the work that in other orders requires censorship.

The state's entire information technology, and its own instructions

What the Roman state could do was announce, and the earliest surviving document of Roman administration is an announcement about a suppression. It is worth taking at length, because it shows the apparatus and the purpose in a single object.

In 186 BC the Senate moved against the cult of Bacchus in Italy. Livy gives the narrative — a scandal uncovered through an informer, an investigation for conspiracy, thousands implicated, more executed than imprisoned — and Livy is writing a century and a half later with every literary incentive to heighten it, so the details are held loosely. What is not held loosely is the decree, because a bronze copy of it survives, found in 1640 at Tiriolo in the far south of Italy.

The substance is a set of restrictions. No one was to keep a Bacchic shrine; anyone claiming a religious necessity to do so must come to the urban praetor at Rome and

have the matter decided by the Senate with not fewer than a hundred senators present; no man was to be a priest of the cult; no rites were to be performed in secret, in public, in private, or outside the city without that permission; no gathering of more than five persons in total, and among them not more than two men and three women.

Then comes the operative clause about the decree itself:

> *"Haice utei in conventionid exdeicatis ne minus trinum noundinum, senatuosque sententiam utei scientes esetis... atque utei hoce in tabolam ahenam inceideretis, ita senatus aiquom censuit, uteique eam figier ioubeatis, ubei facilumed gnoscier potisit."*
> *"That you proclaim these things in an assembly for not less than three market-days, and that you may know the Senate's opinion... and that you cut this on a bronze tablet, as the Senate judged right, and that you order it to be fixed up where it can most easily be known."*

That is the Roman state's communications system, described by the Roman state, in its own archaic Latin. Read it out three times on market days so the countryside hears it. Cut it into metal. Nail it up somewhere people will see.

The decree closes by giving the recipients ten days from the receipt of the letter to have the shrines dismantled, and the tablet's last line records where it was sent: *in agro Teurano*, in the Teuran district. A bronze plate on a wall in Bruttium is what it took for the Senate to reach a rural community four hundred kilometres away, and the Senate knew it, and specified it.

What the apparatus could not do

Now look at the same object from the other end, and the structural finding of this module appears.

The Roman state had a functioning method of pushing an order outward. It had almost nothing for pulling information inward.

There was no reporting requirement worth the name. A provincial governor sent dispatches when he chose and about what he chose; the Senate learned what he told it. There were no inspectors, no auditors, no resident officials of the central government, no independent accounts. The governor's own staff were his friends, his relatives and his clients, chosen by him. His quaestor was a young man at the start of a career who would need senatorial goodwill for thirty years.

The one formal channel by which the provinces could inform Rome about Roman conduct was the extortion court, established in 149 BC — and its structure is the point. The injured party had to send an embassy to Rome, at its own expense, after the

governor's term had ended, find a Roman advocate willing to prosecute a member of the governing class, and try the case before a jury drawn from that class or, after 123, from the order that farmed the province's taxes. Cicero built a career on the fact that this occasionally worked. The Verrines exist because a determined young advocate spent months in Sicily assembling evidence that no institution of the Roman state had been collecting.

So an order that could broadcast but could not audit discovered its own conduct only through the complaints of the injured, years after the fact, in a forum staffed by the defendant's peers. Nothing about that was concealment. There was simply no instrument, and no one had built one, for the same reason no one had built a revenue service or a school system.

What the governing class actually knew, and how

The information system that did work was private, and it survives in bulk because one man's correspondence was preserved.

Cicero's letters — to Atticus, to his brother, to friends, to men he was cultivating and men he was managing — are the closest thing the Republic has to an internal record. They carry the news from the provinces, the state of the Senate, the price of the elections, who is with whom, what a governor is really doing and what will be said about it. They were carried by private slaves and freedmen at private expense, and they moved along the same lines as everything else in this study: the household, the friendship, the obligation.

The governing class was therefore extremely well informed by the standards of its world, and everybody else was informed by rumour, by the market-day proclamation, by returning soldiers and by whatever the last man to speak at a *contio* had said. The two information systems were not connected. There was no attempt to connect them, and no scandal in their being unconnected, because it did not occur to anyone that they should be.

The thirty years they took the ballot out of sight

There is one sequence of measures that is unmistakably an information reform, and it is directed at the private system rather than the public one.

Between 139 and 107 BC, four laws introduced the written secret ballot into Roman voting: for elections in 139, for most trials before the people in 137, for legislation in 131, and for treason trials in 107. A voter who had previously declared his choice aloud to a teller now marked a tablet and dropped it in a basket.

Consider precisely whose knowledge this removed. Not the state's — the state had no interest in how an individual voted. The person who lost information was the patron standing in the Forum watching his clients file past. The secret ballot cut, at a stroke, the verification mechanism on which the entire structure of clientage depended: the patron could still require attendance, still require the escort, still deliver the men to the enclosure, and could no longer confirm what they did inside it.

Cicero, writing in the 50s, disliked these laws and said so, and his objection is candid. He would have preferred an arrangement in which the ballot was written but the leading men could still see it — the best of both, as he saw it, since the people would have their liberty and the aristocracy would retain its influence. It is a revealing thing for a defender of the Republic to have written down, and it identifies the reform correctly. The secret ballot was not aimed at a tyrant. It was aimed at the man in the front hall.

The year publication became a weapon

Then, in a single year, both halves of this module changed hands.

In 59 BC the consul Marcus Calpurnius Bibulus, unable to stop his colleague in the street or in the assembly, retired to his house and announced that he was watching the sky, day after day, so as to invalidate everything done that year. The augural instrument, as this study has already established, turned out not to hold: Caesar legislated anyway.

And Caesar's counter-move was publication. Suetonius records it in one sentence:

> *"Inito honore primus omnium instituit, ut tam senatus quam populi diurna acta confierent et publicarentur."*
> *"On entering office he was the first of all to establish that the daily proceedings both of the Senate and of the people should be compiled and published."*

Senatorial proceedings had previously been recorded but not systematically issued; the Senate's deliberations were known to those present and to those they told. Caesar made them a daily posted record.

This was not a transparency reform arising from principle, and reading it as one misses what it was for. Caesar was a consul being obstructed by procedures that operated inside a closed room and a closed calendar, and his answer was to open the room — because the men obstructing him relied on the fact that nobody outside knew who had said what. Publication was the instrument that best fitted his position, and he used it.

The sequel is the confirmation. Under Augustus, once the obstruction had been comprehensively removed and the men who might have used it were dead, publication of the Senate's proceedings stopped. Suetonius records that too, in the life of Augustus, without comment. The record continued to be compiled; it ceased to be issued.

Suppression, when it came, was legal and swift

The last element belongs here because Rome's suppressions were not covert and did not need to be.

The instrument was the emergency decree by which the Senate declared a situation grave and instructed the magistrates to see that the state took no harm. It was first used in 121 BC against Gaius Gracchus and his supporters, and its effect — its intended effect — was to place a body of citizens outside the protection that this study has already traced: the appeal to the people, the bar on execution without trial. Gracchus died, and several thousand of his supporters are reported killed.

It was used again in 100 against Saturninus, and in 63 against the Catilinarian conspirators, when five men who were Roman citizens were executed in prison on the authority of a Senate vote and a consul's decision. The consul was Cicero, who four years earlier had told a court that it was an outrage to bind a Roman citizen and near-parricide to kill him. He spent the rest of his life defending the executions, and was driven into exile for them in 58 by a law that made it a crime to have put a citizen to death without trial.

There was no censorship apparatus because none was required. What Rome had instead was a procedure by which the Senate could, on the day, declare that the protections did not apply — and the fact that the same men who wrote and celebrated those protections were the men who suspended them is not a contradiction to be explained away. It is what the office required of whoever was sitting in it that week.

Reading information against the framework

The framework expects the seam to be split by distance, with the order's central task being the prevention of the two ends meeting, and surveillance as the tell of a belief that never took. Rome has no such seam, and the substitute it offers is more useful than a confirmation would have been.

Where sovereignty requires physical presence, distance is disenfranchisement, and no suppression of information is necessary. Rome never had to keep its citizens ignorant, because the citizens who mattered were in the room and the ones who were not could not act on what they knew. A vote that must be walked to is a vote rationed

by geography, and by the last century the rationing was severe enough that the sovereign people of an empire was, functionally, the population of one city plus whoever had made the journey. Add the *contio* — a discussion whose speakers were selected by the man who called it — and the result is an order in which the ruled could choose between the options presented and could not generate one, without a single act of censorship anywhere in the machinery.

From which the diagnostic: **check which way the information apparatus points.** Rome's pointed outward. It could put a decree on bronze and nail it up in Bruttium, and it specified in the decree itself that this be done where the thing could most easily be known. It had no corresponding instrument for finding out what its own governors had done, and it never built one — so the state learned about its own conduct from the injured, years late, in a court composed of the accused's associates. An order that can broadcast but cannot audit is not hiding anything. It is simply blind in one direction, and the blindness favours precisely the people whose conduct is not being observed.

The second contribution concerns reform itself, and it can be tested widely: **transparency measures are introduced by the party currently losing the procedural fight, and withdrawn by the party that has won it.** Caesar published the Senate's proceedings in 59 because the men obstructing him depended on nobody outside the chamber knowing who had said what; Augustus stopped publishing them once nobody was obstructing anything. The measure did not change its nature between those two dates. What changed was who benefited from it, and the institution followed the benefit with no interval worth measuring.

That compounds directly with what this study found about the robe. The augural veto and the daily gazette belong to the same year and the same quarrel: one instrument of the old order was leant on until it broke, and the man who broke it immediately built a new one pointed the other way. Bibulus's omens and Caesar's *acta* are the same contest over who gets to say what has happened, fought first with a procedure that worked only while untested and then with a procedure that worked only while its author needed it. Both were dismantled by the winner. Neither was ever a limit on power; both were positions in a fight, taken up by whoever the fight had put in need of them — which is the study's method restated, and the thing the Roman constitution turns out to have been made of.

A note on sources. Primary quotations are from public-domain texts and inscriptions. The decree on the Bacchanalia is CIL I² 581 = ILLRP 511 = ILS 18, a bronze tablet found at Tiriolo in Calabria in 1640 and now in Vienna; the archaic Latin is quoted as the standard editions give it and the translation is made from that text. Whether the document is strictly a *senatus consultum* or a consular letter conveying one has been

disputed since Mommsen, and it is described here by its function rather than by a contested title. Livy's narrative of the affair is *Ab Urbe Condita* 39.8–19 and is treated with caution: it is written some hundred and fifty years later, is shaped by his own moral programme, and its figures — including the seven thousand said to be implicated — are not independently supported, so the argument here rests on the inscription rather than on Livy. The institution of the daily record is Suetonius, *Divus Iulius* 20; its discontinuation under Augustus is *Divus Augustus* 36. The dates of the four ballot laws are conventional and derive largely from Cicero, *De Legibus* 3.35–37, where his objections and his preferred alternative are also set out. On the frequency and use of the emergency decree the sources are Sallust, Cicero and Caesar, all of them participants or partisans; the casualty figures for 121 BC vary between accounts and are not relied on. Cicero's letters are used here as evidence of how the governing class was informed rather than as a neutral record of events, and the survival of his correspondence and no one else's should be held in mind as a distortion in the evidence rather than a fact about Rome. Modern scholarship (Millar, Morstein-Marx on the *contio*, Yakobson on voting, Mouritsen on political participation, Beard, North and Price on the Bacchanalia, Lintott on the emergency decree) is paraphrased and credited, not quoted at length.

TWELVE MONTHS, AND THEN FORTY YEARS

Module 8 · Elite Coordination and the Default — how an order with no mechanism whatever for compelling its own magistrates held four centuries of ferocious rivalry together on nothing but the expectation of a shared future, and what happened when men appeared who did not expect to have one

A Roman consul, during his year, could not be removed, tried, vetoed by any authority above him, or compelled by anyone except his colleague. He commanded armies. He could convene the Senate or ignore it. The Senate's resolutions were formally advice — *auctoritas*, not command — and there existed no court, council, crown or constitution with the standing to overrule him.

He obeyed the Senate anyway. Nearly all of them did, nearly all the time, for four hundred years, in an order where the men holding the offices detested one another with a consistency the sources make no attempt to hide.

That is the problem this module exists to solve, and it is not solved by pointing at Roman virtue. It is solved by looking at what each tier of the hierarchy stood to gain and lose, and noticing that the arrangement was built — piecemeal, by men fixing the previous year's failure — so that defending one's own position and defending the whole thing were the same act.

The engine: the arrangement's product was turns

Start with what the Roman political system actually manufactured, which was not power and not wealth but *chances*, renewed every year.

Every magistracy was annual. Every senior one was collegiate. The sequence was fixed — quaestor, then aedile or tribune, then praetor, then consul — with minimum ages and intervals between the rungs, and with an interval, in principle ten years, before a consulship could be repeated. And the offices were numerous: twenty quaestors after Sulla, four aediles, ten tribunes of the plebs, eight praetors, two consuls, and the censorship every five years. Several dozen positions came onto the market every twelve months, and every one of them was vacated again at the end of the year.

Consider what that does to a man who has just lost. He is not finished. He can stand again next year, or for a different office, or put his son forward in due course. His

family's standing is not extinguished by the defeat; it is merely undischarged. And the only mechanism in the world that can convert that standing into an actual consulship is the arrangement he has just lost inside.

This is the Default's engine and it should be stated plainly: **the arrangement's chief product was another turn.** It distributed not spoils but renewable chances at spoils, and that is a far cheaper and far more binding thing to distribute, because promising a chance costs nothing in the year it is promised and abolishing the machine that promises it costs everything. A Roman noble who wrecked the Republic would have destroyed the only currency his entire inheritance was denominated in. He would have been left holding wax masks with nothing to add to them.

Hence the observable fact that four centuries of savage competition produced almost no attempt to abolish the machinery. Men fought viciously *inside* it and defended it in the same motion, without any of them intending the second thing.

The enforcement mechanism that was never built

Now the asymmetry that did the compelling, because it explains why no coercive apparatus was ever necessary.

A consul held office for twelve months. He was a senator for the rest of his life — thirty, forty years, in a chamber of two or three hundred men, most of whom he had known since boyhood, whose votes he would need for his provincial command, whose sons would marry his daughters, whose juries would hear his cases, and whose goodwill his own sons would require after he was dead.

His power was temporary. His membership was permanent. And every man he might override in his year of office would still be sitting there in twenty years' time.

That asymmetry performed the entire function that in other orders requires a constitution, a court, a crown or a standing threat. The Senate needed no power to compel a magistrate because the magistrate was about to rejoin the Senate. His incentive to defer was not deference; it was the ordinary calculation of a man who will spend four decades in a room and has twelve months in which he could make it unpleasant.

Note that this is the same structural signature the study has now met at every turn. Rome did not build the instrument. There was no mechanism to discipline a serving magistrate for the same reason there was no revenue service, no school system, no register of public land and no audit of governors — because the gap could be left, and something already present would fill it. Here what filled it was the man's own expectation of his future. It cost nothing, it worked for four hundred years, and it had one failure mode, which we will come to.

Each tier had something it could lose

An arrangement defended by self-interest has to give every stratum with standing and means something worth defending. Rome's did, and the grading is precise.

The nobiles — the twenty or thirty families that could show a consul in the direct male line — had the top of the queue. The figures are stark and were remarkably stable: across long stretches the *nobiles* held not less than about seventy per cent of consulships, and by Cicero's day above ninety. Cicero, reckoning it up in the *Brutus*, thought fewer than twenty men without consular ancestors had reached the consulship in the Republic's entire history, and he himself was the first in more than thirty years. For these families the arrangement was the machine that reproduced them, and no one defended it harder.

The wider Senate — several hundred men, most of whom would never be consul — had a great deal less and still had plenty to lose: a seat and a voice, precedence in every public setting, a provincial command after the praetorship, a jury place, and, above all, a family that stayed on the roll. A senator of no great family was not a competitor for the consulship; he was a member of the body that decided who got what, and his stake in the body's authority was total.

The equites — men of substantial property who had not entered the office ladder — held wealth without honour, which is an unstable holding. They were brought inside in 123 BC when Gaius Gracchus handed them the extortion court and the tax farm of Asia. That is the clearest single act of buying a stratum into the Default in Roman history, and it worked precisely because what he gave them could be produced by nothing except the arrangement. Sulla took the courts back for the Senate in 81; the *lex Aurelia* of 70 split the juries three ways. Each of those transfers re-priced an entire order's stake, and the forty-year fight over who sat on juries was never about justice. It was about which stratum held a share of the machine.

The Italian municipal elites — the local aristocracies of several hundred allied and Latin towns — had standing at home and means in quantity. They officered the contingents that made up three-fifths of Rome's army and paid for them. What they held from the Roman arrangement was patronage: a relationship with a Roman family that could speak for their town, a share of plunder at a commander's discretion, and the security of not being Fregellae. What they did not have was a place in the queue.

That last tier is where the fracture comes from, and the module's second half is about why.

What a good Default looks like when it is working

Before the break, it is worth registering how well this ran, because the collection should be able to recognise a functioning Default when it sees one.

Between the expulsion of the Tarquins and 133 BC — nearly four centuries — there is no securely recorded instance of a Roman magistrate being killed by other Romans in a political dispute at Rome. Men were prosecuted, exiled, fined, expelled from the Senate by censors, defeated at elections and ruined by debt. They were not killed. Hannibal camped in Italy for fifteen years and the governing class did not fracture; Cannae destroyed an army with a substantial part of the Senate in it and the survivors kept meeting.

And the mechanisms of internal discipline were correspondingly light. The censors could strike a man from the Senate with a mark against his name — the *nota* — which required no trial and carried no penalty except the loss of position and reputation. That was enough, because position and reputation were what the entire class was playing for. An order in which the harshest routine sanction is a note in a register is an order whose members are held by something other than fear.

The tier outside the queue

The Italian elites had been outside the arrangement for a century and a half and had not revolted, which tells us the compensations were real while they lasted. In the last third of the second century three things changed at once, and every one of them ran the wrong way.

First, the arrangement started taking from them. The Gracchan land commission's business was recovering public land from those occupying it — and Italians occupied a great deal of it, under exactly the same absence of title as Roman possessors. In 129 a delegation of Latins and allies came to Scipio Aemilianus to complain that the commission was violating their rights, and the commission's judicial powers were curtailed as a result. A stratum that had been receiving nothing was now being extracted from.

Second, the door was repeatedly shown to them and closed. Fulvius Flaccus proposed citizenship for the allies in 125 and failed; Fregellae revolted the same year and was destroyed. Gaius Gracchus proposed it in 122 and failed. Marcus Livius Drusus proposed it in 91, as part of a package meant simultaneously to reconcile the Senate and the equestrians, and was assassinated in his own house.

Third, the value of what they did hold declined. A patron in a governing class that was tearing itself apart is worth less than a patron in a governing class that agrees on things.

So: a tier with standing and means, no share in the queue, now being extracted from, with the door shut three times in thirty-five years and the man holding it open murdered. In 91 BC they stopped asking.

What they built is the evidence

The Social War is usually narrated as a rebellion, and the ancient casualty estimates run to something like a hundred thousand dead across both sides over three years. What matters for this module is not the war but the constitution the rebels wrote.

They took Corfinium in the central Apennines as their capital and renamed it Italia. They elected two consuls annually. They elected twelve praetors. They created a senate of five hundred. And they struck silver coins on the Roman denarius standard, carrying the name of their state in Latin as ITALIA and in Oscan as *víteliú*.

Sit with that inventory. Men who had been refused entry to the Roman arrangement for thirty-five years, who had taken up arms against it, and who had every reason to construct something opposite, built a copy: annual paired consuls, a college of praetors, a senate, a capital, a coinage. Not a kingdom, not a league of the old Italic kind, not a confederation of the peoples. Rome, with a different name on the coins and Oscan on the reverse.

Scholarship is genuinely divided on what to make of this. One reading — the older and still widely held one — is that the allies wanted the citizenship and built a parallel state only as an instrument to extract it, which is supported by the speed with which they accepted enfranchisement once it was offered. Another, going back to De Sanctis and pressed since, is that a parallel state with its own consuls, praetors, senate and coinage is not the apparatus of men who want to be admitted to somebody else's, and that the aim was independence. The dispute is not settled and this study does not need it settled, because the finding holds on either reading: **whichever they wanted, the only political form they could imagine was the one they had been excluded from.**

Rome granted the citizenship in 90 and 89, to communities that had by then fought it to a standstill, on terms roughly those Drusus had proposed and been killed for. The rebels of Italia became Roman voters. Within a generation their descendants were in the Senate.

The clause that broke the engine

Now the top of the hierarchy, where the failure is exact and can be dated.

The Default's engine, as established above, was that defeat was survivable. Every man in the governing class defended the arrangement because the arrangement guaranteed him another turn. Track what happened to that guarantee.

In 133 Tiberius Gracchus was beaten to death in the street by senators led by the *pontifex maximus*. In 121 Gaius Gracchus and a large number of his supporters were killed under the Senate's emergency decree. In 100 the same instrument was used against Saturninus. In 88 Sulla marched an army on Rome, and it is worth noticing that of his senior officers only one — Lucullus — would go with him, which tells us the Default still held in the officer corps that year. In 87 Marius and Cinna took the city and killed their enemies.

Then, in 82 and 81, Sulla did the thing that cannot be undone. Lists of names were posted in the Forum. Any man on them could be legally killed by anyone for a bounty; his property was confiscated and auctioned, often to Sulla's friends at derisory prices. The standard figure is around five hundred and twenty names, chiefly senators and equestrians, though the ancient totals vary and the higher ones are treated with caution.

And this clause: **the sons and grandsons of the proscribed were barred from public office and from the Senate, permanently.**

That is the kill, and it is a single sentence in a statute. Political defeat at Rome had just been made heritable. A family could now be removed from the queue for ever by losing once — and the moment that was true, the calculation that had held the governing class together for four centuries inverted. The arrangement no longer guaranteed another turn. Defending it was no longer self-interested. Winning permanently was.

The best evidence that the Romans understood exactly this is what Caesar did with it. Among his first acts on taking Rome in 49 was the restoration of the descendants of Sulla's proscribed to full rights. He was not being sentimental. He was buying, cheaply, a body of men whose families had been removed from the machine, by handing back the one thing that would place them in his debt for a generation.

Two things the collapse did not touch

Two observations belong here because they cut against the tidy story and both are load-bearing.

The first: through the whole period of killing — the Gracchi, the Social War, Sulla, the proscriptions, the civil wars — the share of consulships held by the noble families did not move. It stayed above ninety per cent, a proportion that one modern account describes as remarkably untouched by the most violent political crises. The hierarchy did not stop reproducing itself. It went on distributing the top office to the same twenty or thirty families throughout.

Which means the Default did not fail at what it is usually assumed to be for. It went on allocating position perfectly well. What it stopped doing was making defeat survivable — and those are different functions, and the second is the one that had been holding the arrangement up.

The second: the failure at the top and the fracture at the edge were the same failure seen from two positions. The Italian elites left because they had no turn. The Roman nobles began destroying each other because their turns had stopped being guaranteed. In both cases a stratum with standing and means concluded that the arrangement no longer served its position — and in both cases the conclusion was reached not by ideology but by arithmetic that any of them could do.

Reading the Default against the framework

The framework holds that enduring hierarchies are those arranged so that each participant, defending his own position out of self-interest, thereby defends the whole; and that fracture comes from a stratum with standing and means that has stopped benefiting. Rome supplies an unusually clean test of both halves, and offers a refinement to each.

The refinement to the first is this: **a durable Default distributes renewable chances rather than fixed shares, and its health is measured not by how much each tier receives but by whether defeat is recoverable.** Rome gave its governing class remarkably little in the way of guaranteed holdings — no hereditary office, no entailed jurisdiction, no permanent command, nothing that could be passed to a son except a name and an expectation. What it gave instead was a queue that reset every twelve months, and the queue was worth more than any holding would have been, because a holding can be defended privately and a queue can only be defended by preserving the machine. That is why men who loathed each other coordinated: not because they valued the Republic, but because the Republic was the sole producer of the only thing they wanted. **The diagnostic follows directly and is portable: to assess whether a hierarchy's Default will hold, do not measure the distribution — measure the cost of losing.** Where a defeated member of the ruling strata can expect to compete again,

the arrangement has every rival's self-interest behind it. Where defeat is terminal or heritable, the same self-interest requires the arrangement's destruction, and it will get it.

The refinement to the second concerns where fracture appears and what it looks like. It appeared not among the men losing inside the arrangement but among the tier that had standing, means and no place in the queue at all — and it appeared only when that tier began to be extracted from as well as excluded. Exclusion alone had been survivable for a century and a half. Exclusion plus extraction was not. **And the tell, when such a tier does break, is that it builds a copy rather than an alternative:** two consuls, twelve praetors, a senate of five hundred, and a coinage on the Roman standard. A stratum that has been kept outside an arrangement it can see working does not typically want a different world. It wants the same world with itself inside it, and it will construct a duplicate to prove the point.

Both refinements compound with what this study has established about the Republic's method. The reason Rome never built a mechanism to compel its magistrates is the reason it never built a treasury service, a school system, a land register or a provincial audit: it declined to build the instrument, and let the gap be filled by something already present. Here the filler was the magistrate's own expectation of forty years among the men he had governed with — the cheapest enforcement mechanism ever devised, requiring no staff, no statute and no coercion, and working perfectly for four centuries.

Its single failure mode was a man who did not expect to have those forty years. Sulla, marching on his own city, had already been declared a public enemy and had nothing to return to but what he could take. Caesar, on the Rubicon, faced prosecution and political extinction if he laid down his command, and said as much. Neither man was restrained by the Senate's authority, because that authority had never been anything except the anticipation of a shared future — and both of them, by then, had futures that lay with their armies instead. An enforcement mechanism made of expectation holds absolutely until it meets someone with nothing to expect, and then it is not weakened. It is simply absent, and was always going to be, and nobody had noticed because for four hundred years nobody had been in that position.

A note on sources. Figures for the composition of the consular *fasti* — the *nobiles* holding not less than about seventy per cent of consulships over long periods and above ninety per cent by Cicero's time — derive from the standard prosopographical studies, principally Badian and those following him; the observation that the proportion was remarkably untouched by the political crises is theirs. Cicero's own reckoning of fewer than twenty consular *novi homines* in the Republic's history is at *Brutus* 1.4, and is his estimate rather than a count. The Italian rebel constitution — two consuls, twelve

praetors, a senate of five hundred, the capital at Corfinium renamed Italia — rests on Appian, *Civil Wars* 1.39, and Diodorus 37.2, both considerably later and both Roman-aligned; the coinage carrying ITALIA and Oscan *víteliú* is contemporary material evidence and is the firmer of the two. Whether the allies sought inclusion or independence is a live scholarly dispute (Brunt for inclusion; De Sanctis, Mouritsen and others against) and is presented here unresolved, with the argument constructed so as not to require either answer. Casualty estimates for the Social War are ancient and approximate and are given as an order of magnitude. On Sulla's proscriptions the figure of roughly five hundred and twenty names follows Appian and the modern reconstructions; higher ancient totals of ninety senators and twenty-six hundred equestrians are reported variously and treated with caution, and only seventy-five names have been recovered by modern prosopography. The permanent disqualification of the proscribed men's sons and grandsons from office and the Senate is attested in the ancient tradition and confirmed by Caesar's restoration of them in 49; the exact scope of the disability and the several earlier attempts to lift it are imperfectly documented. The account of the *nota censoria*, the *cursus* intervals and the numbers of magistracies reflects the post-Sullan arrangement where stated, and earlier numbers differed. The claim that no Roman magistrate was killed by Romans in a political dispute at Rome before 133 rests on the annalistic tradition, which is thin for the early period and may under-report; it is offered as what the record shows rather than as a certainty. Modern scholarship (Badian, Brunt, Hopkins and Burton, Millar, Mouritsen, Morstein-Marx, Flower, Hölkeskamp, Keaveney on Sulla) is paraphrased and credited, not quoted at length.

THE DAYS ON WHICH BUSINESS COULD BE DONE

Module 9 · Plurality or Foreclosure — an order with unusually strong protections of a man's body against a magistrate and no protection whatever of his voice, in which every protection can be traced to a faction inside the hierarchy that needed it, and in which each one lasted precisely as long as somebody was willing to enforce it privately

There was a state apparatus at Rome. It could flog, imprison, confiscate, conscript, exile and kill. The questions this module asks are the plain ones. Did an ordinary Roman have protection against it? Could he speak? Could he petition, assemble, organise? And where any such protection existed, who actually put it there?

The discipline for the last question is the one that governs everything here: **the man in the street does not win a liberty.** He has no bargaining position and nothing to withhold that the order cannot do without. What produces a protection is a faction inside the hierarchy — a group with standing and means, bargaining from strength, in a fight with another such group, neither wanting to break the arrangement — which extracts a concession as the price of settling. The concession is written down and stays written down, and over generations these residues accumulate into what a later age will call rights.

Rome is an unusually good place to test this, because the Roman tradition tells the opposite story with great conviction: a two-century struggle in which the poor plebeians, by mass withdrawal, wrung their freedoms from the patricians. Set that story against the record of who actually benefited from each measure, and the gap is the module.

The "out" group was manufactured, and its leaders were rich

Two facts have to be established before the Conflict of the Orders can be read at all.

The first, established at the opening of this study, is that the patriciate was not an ancient caste inherited from the kings. The early consular list carries recognisably plebeian names — including that of Lucius Junius Brutus, the Republic's own founder-figure — and they disappear in the second half of the fifth century; from 444 to 401 no plebeian appears in the record at all. The patriciate appears to have closed itself roughly a century into the Republic. The "out" group was therefore created by

the "in" group, comparatively recently, by an act of exclusion that the excluded remembered.

The second is who led the excluded. The plebs contained the whole of the Roman population outside a few dozen families: debt-bonded farmers, landless labourers, and also men of very great wealth — the Licinii, the Sempronii, the Marcii, the Fulvii, the Junii — who had the property, the clients, the estates and the military records of any patrician, and were barred from the consulship and the major priesthoods by nothing but birth.

Those two groups had entirely different grievances. The farmer wanted his debt cancelled and his body out of his creditor's reach. The wealthy plebeian wanted the consulship. They were in the same movement because each was useless without the other: the rich plebeian had the leadership, the legal knowledge and the standing, and the poor plebeian had the only thing the patricians could not do without, which was his body in the legion.

What the first secession produced, and what actually enforced it

The tradition dates the first secession to 494 BC. The plebs, on Livy's account, walked out of Rome to a hill outside and refused to serve while a war was in progress. The settlement created the tribunes of the plebs: officers of the plebeian body, elected by it, whose function was to interpose their persons between a citizen and a magistrate — *auxilium*, aid — and later to veto acts of magistrates and of the Senate.

The early dating is soft and much of the fifth-century narrative is retrojection. What matters here is not the date but the enforcement mechanism, because it answers the question of what makes a protection more than words.

The tribune's inviolability rested on the *lex sacrata* — a collective oath sworn by the whole body of the plebs, that anyone who laid hands on a tribune should be *sacer*: outlawed, his property forfeit, killable by any plebeian without penalty.

Read that as machinery. There was no court that enforced the tribune's sacrosanctity. There was no penalty in the civil law. What stood behind the office was a standing threat of collective private killing, sworn by a body large enough to make it credible and religious enough to make refusal dangerous. The Roman state did not protect the tribune. The plebs did, by promising in advance to murder anyone who touched him.

That is the module's first finding in miniature, and it generalises. **A liberty is worth exactly what somebody is willing to do to enforce it privately, and no more.** Rome never built an institution to defend a right — the same declining to build the instrument that this study has now found at every turn — so every protection it

possessed rested on some party's willingness to act. The protections survived as long as that willingness did, and not one day longer.

The package of 367, and which half was delivered

The clearest test of whose fight produced what is the legislation of 367 BC, because it was a bundle, and the halves can be tracked separately.

The Licinio-Sextian measures, carried after years of obstruction, contained three things: relief for debtors, allowing interest paid to be deducted from principal and the balance settled over three years; a cap of five hundred *iugera* on the amount of public land any one man might hold; and the opening of the consulship to plebeians, with one place reserved.

Now follow each.

The consulship provision took effect at once and permanently. Plebeians held the consulship from that year on, and within a few generations plebeian families were as entrenched at the top as any patrician house.

The land cap, as this study established in examining the settlement, was never enforced. No cadastre was made, no registry of possessors kept, no officer charged with checking, and no penalty is recorded as having been paid for two centuries. When somebody finally tried to enforce it in 133 BC, he was beaten to death in the street.

The debt relief was real but partial and temporary; debt agitation recurs in the record for another eighty years, and the decisive measure — the abolition of *nexum*, which took the debtor's body out of the creditor's reach — did not arrive until 326 or 313.

So: of a three-part settlement carried by a coalition of rich and poor plebeians, the part that served the coalition's leaders was delivered immediately and irreversibly, and the parts that served the men who had supplied the numbers were delivered slowly, partially, or not at all. This is not a hidden pattern requiring subtle detection. It is the ordinary shape of a settlement negotiated by people whose own grievance is being traded alongside somebody else's.

And then the door was closed from the inside

The sequel is the part the heroic narrative cannot accommodate.

Once inside, the wealthy plebeian families did not continue the struggle. They merged with the patricians into a single governing class — the *nobilitas*, defined by having a consul in the direct male line, which patrician and plebeian houses could equally claim — and that class proceeded to hold the consulship with a consistency

that has already been set out in this study: not less than about seventy per cent across long stretches, above ninety per cent by Cicero's day.

There was no sixth secession over the consulship. There did not need to be one, and there could not have been: the men who had the standing and the organisational capacity to lead a secession were now consuls, and their sons were being groomed for it. The Conflict of the Orders did not end in a victory for the plebs. It ended when the leadership of the plebs was bought out with the thing it had actually wanted, and the coalition it had led dissolved for want of anyone able to lead it.

The last act, in 287, fits the pattern exactly. After a final secession over debt, the *lex Hortensia* made resolutions of the plebeian assembly binding on the entire Roman people. It was carried by Quintus Hortensius — appointed dictator to resolve the crisis. The most concentrated office in the Roman constitution was used to deliver the plebs' final legislative gain, which tells you both how badly the governing class wanted the matter closed and how little it feared the concession.

The freedman's son who published the calendar

The single most consequential expansion of ordinary Romans' access to the state's machinery has nothing to do with secessions, and it is the best evidence in this collection for how liberties are actually made.

Roman civil procedure ran on formulae. To bring an action a man had to speak precise words in a precise order, with precise gestures; a slip voided the case. And he had to bring it on a day when legal business could lawfully be transacted — a *dies fastus* — the calendar of which was not published. Both the formulae and the calendar were held by the college of pontiffs, which was patrician. Cicero, looking back, observed that few men knew whether an action could be brought on a given day, that the calendar was not in the people's hands, and that those who had to be consulted about it held great power in consequence — one applied to them, he said, rather as one applies to astrologers.

The Twelve Tables of 451–450 had published the law. They had not published the procedure for using it, and without the procedure the law was ornamental.

In 304 BC a man named Gnaeus Flavius, the son of a freedman, published both. He set out the forms of action — the work later called the *ius Flavianum* — and he posted the calendar of court days in the Forum on white boards, so that anyone could see when business could be done. He was elected curule aedile the same year, over the loud objection of the nobility, and Livy records their fury.

Now the part that matters for this module. Flavius was not a popular tribune and not the leader of any movement. He was a scribe — a clerk on the public payroll — and

his employer was Appius Claudius Caecus, censor of 312: a patrician, from the proudest patrician house in Rome, who was at that moment conducting a spectacular one-man war against the rest of his own order. Appius had enrolled the sons of freedmen in the tribes, put men of undistinguished birth into the Senate, built the road and the aqueduct that carry his name, and generally used the censorship to construct a personal following outside the ordinary channels. The tradition attributes Flavius's publications to Appius's inspiration, and the connection is the obvious one: the clerk had access to the pontifical material because his patron gave him access.

So the greatest single opening of the Roman legal system to ordinary use came out of a patrician's factional campaign against his fellow patricians, executed by a freedman's son who was rewarded with a magistracy. The plebeian did not create it. A man inside the hierarchy, fighting other men inside the hierarchy, found it useful to hand a weapon to the people, and the weapon stayed handed over after the fight was finished.

The tradition should be held with some care — Fritz Schulz argued that the whole picture of a pontifical monopoly broken at a stroke is a later construction, and the extent of what Flavius actually published is disputed. But the shape of the episode is attested from Livy, Cicero and Pliny independently, and the shape is the finding.

The protections that were real

It is worth being clear that the residue was substantial and not decorative, because a study that concluded Roman liberty was merely rhetorical would be wrong.

A Roman citizen by the second century could not be seized for debt: his property answered, his body did not. He could not be flogged or executed by a magistrate inside the city without appeal to the people, and the *leges Porciae* extended that protection beyond the city. He could bring an action knowing the words to use and the days to use them on. He could not, in ordinary times, be tried by a magistrate acting alone on a capital charge. He could vote, from 139 onward by secret ballot, without his patron being able to verify what he had done.

Each of these can be traced to a faction. The end of debt bondage came out of the debt crises that the wealthy plebeian leadership rode; the appeal was reinforced repeatedly by tribunes and consuls building popular reputations; the published procedure came out of Appius Claudius's private war; the secret ballot was carried by tribunes and had the effect, as Cicero complained, of removing the leading men's ability to see how their dependants voted — which was useful to precisely those politicians who lacked large inherited clienteles and needed an electorate that could not be watched.

Each of them also had a constituency with means. That is why they were more than words. A protection against arbitrary seizure was worth defending to every man of moderate property in Italy, and there were a great many of them.

The protections that were never granted

Now the other column, and it is the analytically important one.

A Roman citizen had no right to speak in a public assembly. The *contio* was summoned by a magistrate, and only those the magistrate called upon addressed it; there was no motion from the floor, ever, in the entire history of the Republic.

He had no right to convene an assembly. Only a magistrate could.

He had no right of petition as such — approaches to the Senate were made through a patron or a magistrate willing to raise the matter.

He had no representation and no way to act politically at any distance from the city.

He had no protection at all against the suspension of his protections: the Senate's emergency decree could and did place bodies of citizens outside the appeal and outside the law, and in 121 and 100 and 63 it did so lethally.

And no faction ever seriously proposed to change any of it.

Set the two columns side by side and the pattern is exact. **Rome protected the citizen's body and never protected his voice** — and the asymmetry is not a puzzle about Roman values. It is a straightforward report of what the factions needed. A wealthy plebeian in a fight with a patrician creditor needed his person and his property secure and needed the courts open. A tribune building a career needed a popular vote his rivals could not audit. Nobody with standing and means ever needed a right to speak unbidden in an assembly, because anybody with standing could already get a magistrate to yield him the floor — and the men who could not were, by definition, not in a position to bargain for anything.

The gap in the Roman record of liberties is therefore not a record of oppression. It is a record of an absence of demand from anyone capable of making one.

The residue that outlived its makers

The last thing to note is that residue, once accreted, does not stay in the hands of the faction that created it.

The tribunate was made in the fifth century as a defensive office: a man who stood between a citizen and a magistrate and said no. The *lex Hortensia* of 287, extracted in a debt crisis, made the plebeian assembly's resolutions binding on everybody. Neither measure was designed to produce a legislative weapon.

A hundred and fifty years later, Tiberius Gracchus used exactly that accumulated apparatus — a tribune, legislating in the plebeian assembly, over the Senate's objection — to attempt the enforcement of the land law of 367. He was employing instruments built by the ancestors of the men who opposed him, for purposes those ancestors would have found unrecognisable, and doing so entirely lawfully.

And the Senate's answer tested the whole structure at once. Tiberius Gracchus was killed while holding the office of tribune, by senators, in the street. The *lex sacrata* — the oath of the entire plebs to kill anyone who laid hands on a tribune — was not invoked. Nobody was prosecuted. Twelve years later his brother and several thousand others were killed under the emergency decree, and again nothing followed.

The protection had not been repealed. It had simply stopped being enforced, and it had never been anything but its enforcement.

Reading liberty against the framework

The framework asks whether an order is plural or foreclosed, and holds that where protections exist they are the residue of factional fights within the hierarchy rather than gifts to or achievements of the ruled. Rome confirms this with unusual clarity and permits two refinements.

The first is a diagnostic that should travel: **to predict which liberties an order will possess, do not ask what the ruled suffer — ask what the second tier needs in order to win its fight with the first.** Rome's protections cluster with complete consistency around the person, the property and the courts, and are entirely absent around voice, assembly and initiative. That is not a moral fact about Romans. It is a report of the demands that were actually made by parties able to make them. Wealthy plebeians excluded from office needed their bodies safe from patrician magistrates and their suits admissible in patrician courts, and they got both. Nobody needed a right to speak unbidden, so nobody asked, so it does not exist — and its absence went unremarked for four centuries, including by men who wrote at length about *libertas*.

Which is worth a word, because the Roman term does not mean what a modern reader hears. For a Roman noble, *libertas* meant not being dominated — by a king, or by an overmighty peer. It was the aristocracy's freedom to compete on level terms, and when the optimates raised the cry against the Gracchi and against Caesar, that is what they were defending and they were not being cynical. For an ordinary citizen it meant not being a slave and not being seized. In neither sense did it include a share in deciding anything. An order can therefore possess a rich, sincere and much-discussed vocabulary of liberty while containing no political liberty at all, and the vocabulary is not evidence either way.

The second refinement concerns durability, and it is the harder finding. **A protection is worth exactly what some party is willing to do to enforce it, and it fails at the moment that party will no longer act — not at the moment it is repealed.** Nothing in Roman law abolished the sacrosanctity of tribunes; it simply ceased to operate when a tribune was beaten to death in front of witnesses and the body sworn to avenge him did not. The appeal to the people was never repealed either; it was suspended by decree whenever the Senate found it inconvenient, and each suspension made the next easier. A right whose enforcement is private survives only while the private party remains willing and able — and the tell that it is failing is not a change in the statute book but a case in which nothing happens.

Both refinements compound with the study's central observation about this order. Rome declined to build the instrument, here as everywhere: it never constructed a court to defend a liberty, never established a body charged with enforcing the appeal, never wrote a constitution that could be pointed at. So each protection rested on somebody's willingness to act — an oath, a mob, a tribune's body in a doorway, a patron's interest — and the protections were genuine precisely because those willingnesses were genuine, and evaporated without amendment when they were not.

And there is a final compounding with the Default. The residue accumulated at all only because nothing was designed: each concession was a separate fix to a separate crisis, and the heap of separate fixes eventually contained, without anyone intending it, a legislative instrument that could be turned against the men whose ancestors had conceded it. That is what Tiberius Gracchus picked up in 133. The governing class's response — killing him rather than amending the instrument — is intelligible from its position and was, in the terms of this study, the most expensive thing it could possibly have done, because it converted a lawful defeat into a lethal one and began the process, traced in the previous module, by which losing at Rome stopped being survivable.

A note on sources. Primary evidence is used where it exists, and for the fifth and fourth centuries it largely does not. The narrative of the secessions and the origin of the tribunate comes from Livy 2.32–33 and Dionysius of Halicarnassus, writing four to five centuries after the events; the dates and much of the detail are reconstruction, and this module relies on the shape of the institutions rather than the annalistic story. The *lex sacrata* and the oath standing behind tribunician sacrosanctity are described consistently across the later sources and are treated here as reflecting a real mechanism whose original form is unrecoverable. The Licinio-Sextian measures of 367 are Livy 6.35–42; the attribution of the five-hundred-*iugera* cap to that date is disputed, as noted earlier in this study, and the argument here concerns the differential delivery of the bundle rather than its precise contents. Gnaeus Flavius's publication of the *legis*

actiones and the *dies fasti* in 304 is attested at Livy 9.46, Cicero, *Ad Atticum* 6.1.8, and Pliny, *Naturalis Historia* 33.17; Cicero's remark about applying to the keepers of the calendar as to astrologers is from *Pro Murena* 25. Fritz Schulz and others have argued that the traditional picture of a pontifical monopoly decisively broken is a later construction, and the extent of Flavius's publication is genuinely uncertain; the episode is used here for its shape, which the three independent sources support. The *lex Hortensia* of 287 and its carriage by the dictator Quintus Hortensius rest on a thin tradition. The composition of the consular *fasti* and the closing of the patriciate follow the prosopographical work cited earlier in this study. Cicero's objections to the ballot laws and his preferred alternative are *De Legibus* 3.33–39. Nothing in the fifth-century material should be taken as securely dated, and where this module depends on a date it depends on it only as a label for a sequence.

TWO SEATS, AND NINE HUNDRED MEN

Module 10 · Change and Collapse — an order that crushed every rising from below without difficulty, was never conquered, never lost a great war, and was destroyed anyway by the wars it won and by the surplus of claimants its own success bred for a summit that never got any larger

Rome supplies the cleanest test in this collection of the proposition that structural change does not come from below, because Rome's risings from below were unusually large, unusually well led, and unusually successful in the field — and changed nothing whatever.

There were three slave wars in seventy years: Sicily in the 130s, Sicily again around the turn of the century, and the rising in Italy from 73 to 71. The last was not a riot. Spartacus's forces destroyed the armies of two praetors and then of both consuls of 72, ranged the length of Italy, and were finally broken only when Crassus was given an extraordinary command and eight legions. Six thousand of the survivors were crucified along the road from Capua to Rome.

And nothing changed. Not one provision of Roman law concerning slavery was altered. The estates went on running on slave labour, the supply went on arriving from the wars, the cross went on being the instrument for servile insubordination. A movement that had beaten consular armies in the field produced no legislation, no concession, no shift in any Roman's position.

The reason is worth stating precisely, because it refines the general proposition rather than merely confirming it. Spartacus did not lose because a slave army could not beat Roman troops — it demonstrably could, repeatedly, for two years. **He lost because there was nowhere for a victory to go.** No faction of the Roman governing class would take a slave army in; no Roman politician could have used one; there was no door for the rising to be handed through from the inside, because no member of the hierarchy could conceivably have opened one. The rising's military success was therefore strictly unconvertible. It could take territory and could not take a position in the arrangement, and an order is a set of positions.

Which supplies the first refinement this module offers: **a rising from below can lose without losing militarily.** What defeats it is not always force. It is the absence of any faction above with a use for it. The same test explains why the urban plebs at

Rome, which rioted repeatedly and could shut the city down, never altered anything structurally on its own account and altered a great deal when a Gracchus or a Clodius or a Caesar was directing it.

Two seats, and nine hundred men

Now the crack that did open, and it opened first as arithmetic.

Across the last century and a half of the Republic the pool of men qualified and expecting to compete for high office expanded enormously, and the summit did not expand at all.

The Senate stood at about three hundred through the middle Republic. Sulla doubled it to six hundred in 81. Caesar took it to around nine hundred. The junior magistracies were expanded to match — Sulla doubled the quaestorship to twenty places a year and raised the praetorship to eight. The equestrian order swelled with the wealth of the provinces described earlier in this study. And in 89 BC, at the end of the Social War, several hundred thousand Italians became Roman citizens, which meant that the municipal aristocracies of the whole peninsula — men of property, standing and local authority in several hundred towns — became formally eligible for a Roman political career.

The consulship remained two seats a year. It was two seats in 367 and two seats in 49.

That is elite overproduction in its most literal form: a base that tripled, an apex that did not move, and a culture in which a noble's entire inheritance consisted of the expectation that he would reach the top of it. And the Republic left a legislative record of the resulting pressure, because Roman electoral competition became progressively more expensive and progressively more corrupt, and the state kept legislating against it. A law against electoral bribery in 181; another and another through the second century; a tightening under Sulla; more in the 60s; Pompey's law of 52 with retrospective effect and accelerated procedure. A state that has to pass the same law every twenty years is not failing to enforce it. It is reporting that the pressure behind the offence is increasing.

The individual case makes the arithmetic concrete. Lucius Sergius Catilina was a patrician of an ancient family, a praetor, a provincial governor, and twice a defeated candidate for the consulship. He was ruinously in debt, largely from the expense of competing. In 63 he raised an army. He was not a revolutionary in any programmatic sense; he was a surplus claimant of the highest birth who had run out of lawful routes to the seat his inheritance demanded, and there were a great many men in something like his position.

The fracture, and the hands that opened it

The first crack in the floor is conventionally dated to 133, and the identity of the men who opened it is the whole point.

Tiberius Sempronius Gracchus was the son of a man who had been consul twice and censor; his mother was the daughter of Scipio Africanus; his wife was the daughter of Appius Claudius Pulcher, the *princeps senatus*, the first man of the Senate. When his land law created a commission of three, the three were himself, his brother, and his father-in-law. The most radical measure of the second century was drafted and administered by the top of the Roman aristocracy.

What the measure did was reach downward. It offered land to the rural poor and mobilised them to come to Rome and vote for it — and the opposition, equally, was a faction of the same aristocracy. This is the fracture mechanism exactly: one part of the apex, fighting another part, arming a constituency below as a weapon in an intramural war.

The pattern holds without exception for everything that follows. Gaius Gracchus: same family. Saturninus: a tribune allied with Marius, who was consul six times. Marius himself: a *novus homo*, but a wealthy equestrian from Arpinum married into the Julii. Sulla: patrician. Caesar: patrician, of a family claiming descent from Venus. Clodius: patrician, who had himself transferred to plebeian status in order to hold the tribunate.

Not one leader of a Roman popular movement was a popular man. Every single one was a member of the governing class using the *populus* as leverage in a quarrel with other members of the governing class — and the constituencies they mobilised were entirely real, with real grievances, and got real things: land, grain, citizenship. They simply did not originate any of it.

The exhaustion that ran backwards

Here Rome departs from the standard pattern, and the departure is this module's principal contribution.

The usual sequence is that an order is broken by a war it loses, or by fiscal-military strain it cannot meet: the floor is shattered from outside, the elite divides over what to do, and a crowd walks into the gap. Rome fits none of this. It lost no great war after Hannibal. Its revenues rose continuously. It was never invaded, never conquered, never forced to terms. From 200 to 50 BC it won essentially everything it attempted, and the treasury got richer every decade.

It was destroyed by that.

The mechanism is precise and it runs through the arrangement rather than through the floor. Rome's command structure had been built, as the first module of this study established, by men who wanted to make command impossible to keep: annual, doubled, elective, surrendered at the year's end. That design assumed wars that could be finished in a campaigning season within reach of Italy. As the wars moved further out and lasted longer, the design failed, and the Romans patched it in their usual way — with a specific fix for the specific failure. From 327 BC a commander's authority could be extended past his year of office by prorogation, so that the siege he had begun could be finished by the man who had begun it.

The patch became the standard instrument, and then the instrument grew. By the 60s the Republic was passing laws that would have been unintelligible to the men who invented the consulship. The *lex Gabinia* of 67 gave Pompey, who held no magistracy at all, proconsular authority over the entire Mediterranean and fifty miles inland from every coast, for three years, with something on the order of five hundred ships, a hundred and twenty thousand infantry, five thousand cavalry, twenty-four legates of his own choosing, and discretionary access to provincial treasuries. The *lex Manilia* of the following year added the whole eastern war. Caesar received Gaul for five years in 59 and had it extended to ten.

Now apply the finding of the module on coordination. The Republic's entire mechanism for controlling a magistrate was that his power lasted twelve months and his membership of the Senate lasted forty years — so he deferred, because he was about to spend four decades among the men he might otherwise have overridden. That mechanism prices a consul who governs Sicily for a year. It does not price a proconsul who has spent a decade in Gaul, has conquered a country, has eleven legions who look to him for their land, and whose wealth and standing now exceed anything the Senate can offer or withhold. Such a man has an alternative future, and the moment he has one the enforcement mechanism is not weakened but simply absent.

Hence the refinement: **the exhaustion crack can run in reverse — an order can be broken by wars it wins.** What exhausts is not the floor's capacity to fight, which in Rome's case was never in question, but the arrangement's capacity to reabsorb the men who held the floor. A state whose commands outgrow the terms on which its commanders can be brought home has already lost control of them, and the numbers on the balance sheet will be reassuring throughout.

The floor turns inward

In 88 BC the consul Sulla, stripped of a command by a vote of the assembly, marched his army on Rome. It had never been done. And the detail that matters is that

his senior officers refused to go with him — all but one, Lucullus. In 88 the expectation of a shared future still held for the men around him; they could not conceive of doing it, and would not.

By 49 nobody hesitated. Caesar crossed the Rubicon with a single legion and his officers came, and so did his soldiers, because their land at discharge depended on him rather than on the Senate.

Between those two dates lies the repricing described in the module on coordination, and it is worth restating as a single causal step because it is the hinge of the collapse. In 82 and 81 Sulla posted lists of names in the Forum, confiscated the property of the men on them, and barred their sons and grandsons from office and the Senate for ever. Political defeat at Rome became heritable. And once losing could destroy a family permanently, the calculation that had made every competitor a defender of the arrangement inverted: the machine no longer guaranteed another turn, so there was no self-interested reason to protect it and every reason to win permanently — which, after 88, meant winning with an army.

The rest is the working-out. Pompey and Crassus and Caesar; the Senate refusing Pompey's veterans their land in 62 and thereby driving him into the compact that destroyed it; Caesar in Gaul; the Rubicon; Pharsalus; the Ides; the second proscription, which killed Cicero; Philippi; Actium.

What actually changed, and what did not

The Republic ended in 31 BC or thereabouts, and the most important fact about its ending is how little of the order changed.

Count the strata. The *nobiles* went on holding the consulship: the share of consulships taken by men of consular descent stayed above ninety per cent through the entire period of killing, and the families in Augustus's Senate are largely the families of the Republic's Senate. The Senate itself Augustus reduced from Caesar's nine hundred to six hundred — still twice its middle-Republican size. The magistracies went on being filled annually, by election, in the same sequence, with the same names on the *fasti*. The provinces went on paying. Property in Italy stayed where it was. The *publicani* were curtailed but not abolished. Slavery was untouched. The citizen's protections against a magistrate remained on the books.

The change was at the apex, and only at the apex. One man now stood above the arrangement instead of the arrangement standing above everyone. Every stratum below him kept its position, its property, its precedence and its expectations.

Which is exactly why it held, and why the resistance was so thin. Nobody below the apex was being repriced. A senator of an old family in 20 BC had a career, a province, a

jury seat, a fortune and a name — everything he would have had in 120 BC except the possibility of being the first man in Rome, and by 20 BC that possibility had already killed most of the people who reached for it.

And Augustus restored the thing the Republic had lost. He ended the proscriptions. He took men who had fought against him into his service — Messalla, who had commanded for Brutus at Philippi, became consul and then city prefect; Pollio, a Caesarian who had refused to fight at Actium, was left in honoured retirement. He made defeat survivable again, for anyone who would accept the ceiling. That, and not the legions, is what closed the wound the proscriptions had opened.

The account the winner posted on his own tomb

The last document belongs to the man who ended it, and it should be read exactly as written, because it is the dignifying myth in its purest surviving form and its author felt no strain in it whatever.

Augustus's *Res Gestae* was inscribed on bronze pillars at his mausoleum and copied on stone across the empire. Its first sentence states how he began:

> *"Annos undeviginti natus exercitum privato consilio et privata impensa comparavi, per quem rem publicam dominatione factionis oppressam in libertatem vindicavi."*
> *"At the age of nineteen, on my own initiative and at my own expense, I raised an army, by means of which I restored liberty to the Republic, which had been oppressed by the domination of a faction."*

A private army, raised by a nineteen-year-old with no office, to liberate the state. Then, in chapter thirty-four:

> *"In consulatu sexto et septimo, postquam bella civilia exstinxeram, per consensum universorum potitus rerum omnium, rem publicam ex mea potestate in senatus populique Romani arbitrium transtuli."*
> *"In my sixth and seventh consulships, after I had extinguished the civil wars, having by universal consent obtained control of everything, I transferred the Republic from my own power into the discretion of the Senate and the Roman People."*

And then the sentence that describes the whole arrangement with more accuracy than any modern formulation has managed:

> *"Post id tempus auctoritate omnibus praestiti, potestatis autem nihilo amplius habui quam ceteri qui mihi quoque in magistratu conlegae fuerunt."*
> *"After that time I excelled all men in authority, but I had no more power than the others who were my colleagues in each magistracy."*

Auctoritate praestiti, potestatis nihilo amplius. He is not lying and he is not being subtle. The Senate's hold over Roman magistrates, as this study has traced from the beginning, was never *potestas* — it never had the power to compel anyone. It was *auctoritas*: weight, standing, the thing a man deferred to because of what he expected afterwards. Augustus took the *auctoritas*, entire, into one pair of hands, and left the *potestas* distributed exactly where the Republic had put it. He did not dismantle the Default. He sat on top of it, and told the truth about having done so, on a bronze pillar, in the first person.

Reading change against the framework

The framework holds that structural change never originates with the ruled, because a functioning floor crushes them, and comes instead through fracture, exhaustion, conquest or elite overproduction. Rome confirms the general claim and sharpens three points.

On the risings. Rome shows that a rising from below can lose without losing militarily. Spartacus destroyed consular armies for two years and altered nothing, because there was no faction above with a use for a slave army and therefore no door to be handed through. The operative variable is not the crowd's strength but whether any part of the hierarchy can convert it — which is why the same urban plebs that achieved nothing on its own account achieved land, grain and citizenship when a Gracchus or a Caesar was pointing it. **The crowd is not weak; it is unconvertible without a faction, and a faction is what turns numbers into a change of position.**

On exhaustion. Rome inverts the usual mechanism, and this is the module's chief contribution: **an order can be broken by the wars it wins.** What exhausts need not be the floor's capacity to fight. It can be the arrangement's capacity to reabsorb its own commanders — and that capacity is consumed by success, because success lengthens commands, enlarges armies, and enriches the men holding them until the rewards the arrangement can offer no longer exceed what a commander already has. The diagnostic is portable and does not require a defeat to trigger it: **watch the ratio between the length of a command and the length of the term the constitution imagines.** When a state is routinely passing special laws to give one man authority its ordinary offices

cannot contain, the mechanism that brings commanders home has already failed, whatever the revenue figures say.

On what change costs. The final observation compounds with everything this study has established about the Default. The Roman revolution replaced the apex and left every stratum beneath it in place — the same families, the same offices, the same property, the same provinces, the same slavery, the same tariff of punishments graded by status. And it stuck immediately and completely, with a governing class that had just fought two decades of civil war to prevent it, because **an apex change that reprices no stratum below the apex is the cheapest structural change available, and will therefore be the one that succeeds.** The diagnostic follows: to judge whether a change at the top will hold, count the strata being repriced. If the answer is one, it will hold. If it is several, expect the fighting to continue, because each repriced stratum contains men with standing and means who now have the same reason to fight that the last winner had.

And there is a final compounding, with the study's oldest finding. This order began as an internal capture in which the coordinating class took the apex from the man sitting in it and kept everything else — the king's temple, the king's house, the king's priest, the king's calendar — altering only the tenure and singularity of command. It ended, four and a half centuries later, with a man taking the apex back and keeping everything else: the Senate, the magistracies, the *fasti*, the priesthoods, the forms. The Republic was re-tenanted exactly as the monarchy had been. Augustus even kept the priest of the kingship, the *rex sacrorum*, in his cupboard at the top of the sacred order, where the Republic had left him in 509. Nobody thought it strange, because by then it had been there for five hundred years and was simply part of the furniture — which is what a built thing becomes when it takes.

A note on sources. Primary quotations are from public-domain texts. The *Res Gestae Divi Augusti* is quoted from the standard text at 1.1 and 34.1–3; it is Augustus's own account of himself, composed for inscription at his mausoleum, and is used here as evidence of what he wished recorded rather than as a neutral record. The slave wars are known chiefly through Diodorus, Appian, Plutarch and Florus, all considerably later; the figure of six thousand crucifixions after Spartacus is Appian, *Civil Wars* 1.120, and his alone. The terms of the *lex Gabinia* of 67 — the fleet, the manpower, the fifty-mile inland authority and the twenty-four legates — derive from Plutarch, *Pompey* 25–26, and Appian, *Mithridatic Wars* 94; the figures vary between accounts and are given as the ancient reports. Senate numbers of roughly three hundred, six hundred under Sulla in 81, around nine hundred under Caesar and six hundred again under Augustus are the conventional ones and are approximate; the middle-Republican figure in particular

is reconstructed from the numbers of magistracies rather than attested directly, and there is real uncertainty about whether quaestors entered the Senate automatically before Sulla. The proportion of consulships held by men of consular descent follows the prosopographical studies cited earlier in this study. The sequence of laws against electoral bribery from 181 onward is well attested in outline and thinly in detail. Catiline's finances and motives come principally from Sallust and Cicero, both hostile and both interested parties, and the account here is confined to the uncontested facts of his birth, offices and defeats. The date of the Republic's end is a modern convention; the Romans did not experience one. The framework of the four cracks — fracture, exhaustion, conquest and elite overproduction — is Thomas J. Bryan's *Elite Chaos*, which leans in turn on Skocpol on state breakdown and on Goldstone and Turchin on elite overproduction; those arguments are paraphrased and credited, not quoted at length. Other modern scholarship (Badian, Brunt, Gruen, Flower, Morstein-Marx, Beard, Osgood) is likewise paraphrased.

IN THE SAME YEAR

Module 11 · The Grim Accounting — what the order cost and what it built, set out in ranges rather than figures, with the observation that the two columns carry different names and therefore cannot be netted against one another by anybody

Ancient numbers are not measurements. They are triumph placards, funeral orations, rhetorical amplifications, and the boasts of commanders who had every reason to enlarge them and no one able to check. A study that recites them as though they were census returns produces a false and rather obscene precision, and a study that dismisses them entirely produces a sanitised account of something that was not sanitary. This module tries to do neither: to give the ancient figure, give the range modern scholarship supports, and say plainly where the two cannot be reconciled.

Some things are firmer than others. Where a city was destroyed, the destruction is usually archaeologically visible and the fact is not in doubt even where the numbers are. Where a population was enslaved, the enslavement is attested by the slave markets and the estates that absorbed it, whatever the headcount. What is almost never recoverable is the total, and the totals are what the sources most want to supply.

In the same year

Take 146 BC, because two things happened in it and the simultaneity is the whole of what this module has to say about the Republic at its height.

Carthage had been besieged for three years. In the spring of 146 the Romans broke in, and for six days fought street by street and house by house through a city built to hold several hundred thousand people, destroying as they went. Prisoners were taken only on the last day. The survivors — the figure given is fifty thousand, and one modern reconstruction puts it slightly higher — were sold into slavery. The city was burned and levelled, the site cursed, and rebuilding forbidden. The territory became the province of Africa.

How many died depends on a population figure nobody has. Strabo says Carthage held seven hundred thousand before the siege; Warmington regards that as impossible and suggests something nearer two hundred thousand, allowing that in its prime the city might have approached four hundred thousand, and noting that during the siege the surrounding rural population had crowded inside the walls. Take the low figure and

fifty thousand survivors and the arithmetic still describes the deliberate erasure of a great city and the killing of the large majority of the people in it. Polybius was present with the Roman army, and reported that the number of deaths was incredibly large and the Carthaginians utterly destroyed. He was not a hostile witness; he was a friend of the commander.

In the same year, at the other end of the Mediterranean, the consul Lucius Mummius took Corinth. The Achaean League had been beaten in the field; the city was largely empty of its defenders. The adult men who remained were killed, the women and children and the freed slaves were sold, the city was sacked and destroyed, and the league was dissolved. Corinth was one of the oldest and richest cities in the Greek world, and it ceased to exist for a century.

Two of the Mediterranean's great commercial cities were ended in a single year, by two separate decisions of the same Senate, at the height of the Republic's confidence and with no military necessity that anyone at the time bothered to argue for very hard. That is the first entry in the ledger, and it is the one against which everything else should be read.

The long arithmetic

The rest of the cost column runs for two and a half centuries and can only be given in outline.

Italy. The conquest of the peninsula, from the Latin settlement of 338 to the final Samnite wars, involved the destruction or subjugation of several hundred communities. The figures are almost entirely unrecoverable; what is recoverable is the settlement pattern, which shows communities that stopped existing.

Epirus, 167. Seventy towns sacked and a hundred and fifty thousand people enslaved, on the ancient figure reported through Polybius, Livy and Plutarch, in a single operation conducted on the Senate's instructions against a population that had not fought Rome directly. The round number should be treated as ancient and approximate; nothing in the sceptical literature reduces it below the scale of a nation removed.

Spain. Two decades of war from 154, characterised even by Roman writers as unusually treacherous and unusually brutal on the Roman side, ending with the siege of Numantia in 133 — a town of a few thousand, encircled by a Roman army several times its size, starved until the survivors killed themselves or surrendered, and then destroyed.

Gaul, 58–50. Here the ancient figures are at their largest and their least defensible. Plutarch and Appian report a million Gauls killed and a million enslaved out of three

million engaged; Pliny reports a total of 1,192,000 killed in Caesar's battles, excluding the civil wars, and reports it disapprovingly. Modern scholarship does not sustain these. Henige and, before him, Lot dismantled the specific claims — the alleged census tablets of the Helvetii, the camp of four hundred and thirty thousand annihilated without a single Roman loss — and Brunt and others treat the totals as propaganda. Estimates of Gaul's whole population run to eight, ten or twelve million, so the ancient totals would imply a mortality between a sixth and a quarter of everyone alive.

What survives the scepticism is still not small. Individual sackings and massacres of whole communities, killing on a scale of tens of thousands per event; systematic mass enslavement across eight campaigning seasons; hundreds of settlements destroyed; and at least one site in the north where a Dutch excavation has recovered a large deposit of skeletal material in a setting matching Caesar's own account of annihilating a migrating people. The honest formulation is that the ancient totals cannot be defended and the conduct they were invented to celebrate is attested independently.

The cost that was not an event

The largest entry in the ledger is not a war at all, and it therefore appears in none of the casualty figures.

Rome's conquests produced captives, and the captives were sold, and the slave system that absorbed them was the productive base of Italian agriculture and of the mines. Forty thousand people worked the silver at New Carthage, on Polybius's figure, producing twenty-five thousand drachmae a day for the Roman treasury. That is not a battle; it is a Tuesday, repeated for a century.

There is no plausible total for the number of people enslaved by Rome during the Republic and there never will be. What can be said is structural: the system was continuously replenished by conquest, it was maintained by the tariff of punishments set out earlier in this study, and when it was contested — three times in seventy years — it was suppressed with the instrument reserved for the purpose. The road from Capua to Rome was fitted with six thousand crosses in 71 BC on Appian's figure, and the figure is his alone, and the practice is not in doubt.

This is the cost that the accounting habitually misses, because it was not an incident. It was the system running normally.

What Rome cost Rome

One column is unusual enough to deserve its own entry: the Republic's governing class destroyed a very large share of itself.

The Social War of 91–88, fought against Rome's own allies over the citizenship, is put at something in the order of a hundred thousand dead across both sides, on estimates that are approximate. Sulla's proscriptions killed several hundred senators and equestrians on the conservative reckoning and, on the ancient totals, several thousand. The proscription of 43 killed some hundreds more, including Cicero. The civil wars from 49 to 31 killed Romans in numbers nobody has ever credibly totalled, at Pharsalus and Thapsus and Munda and Philippi and Actium.

Most orders in this collection had elites that survived the collapse of their own arrangement and reappeared, slightly rearranged, under the next one. Rome's did too — as the previous module established, the same families held the consulship afterwards — but it got there by killing a great many of its own members first, and it did so because, as this study has traced, it had made losing unsurvivable and then discovered that everyone therefore had to win.

The other column

An accounting that stopped there would be dishonest, and the brief this study works under forbids it. The Roman Republic built things that lasted, and some of them are still load-bearing.

Roman private law. This is the largest item by a distance. The Republic developed, through the praetor's edict and the work of the jurists, a body of law governing contract, property, obligation, inheritance and procedure of a sophistication no other ancient society approached. It survived the state that made it by fifteen centuries: recovered in the medieval universities, it became the substrate of the civil law systems of continental Europe, of Latin America, of Japan and of much of Africa and Asia. A very large fraction of humanity now lives under legal categories that were worked out by Roman jurists arguing about cattle and cisterns.

The end of endemic war in Italy. Before Rome, the Italian peninsula was a patchwork of peoples for whom annual raiding was normal. After Rome, it was not, and the people living there knew the difference. Extended to the Mediterranean after Pompey cleared the sea in 67, the effect was a zone of unusual security for trade and travel — one of the genuinely rare things in premodern history and not to be waved away because of how it was obtained.

A citizenship that could expand. As established earlier in this study, Rome admitted freed slaves to citizenship, admitted defeated enemies, and eventually admitted the whole of Italy. Philip V of Macedon, at war with Rome, held the practice up to a Greek city as the model to copy. No other ancient state did this, and it is the single most unusual feature of the order.

The infrastructure. Roads that are still the alignment of European highways; aqueducts, some still standing; a common currency across the Mediterranean; harbours, drainage, the physical apparatus of urban life exported wholesale.

The language and what was written in it. Latin, and the literature of the late Republic — Lucretius, Catullus, Cicero, Caesar — and through Latin the transmission of Greek thought to everything downstream.

And the idea itself. *Res publica*: the state as a thing belonging to the people rather than the property of a person. Whatever the practice, and this study has been unsparing about the practice, the concept was formulated here, written down here, and has been picked up by nearly every subsequent attempt at non-monarchical government, generally with the Roman vocabulary attached — senate, republic, tribune, capitol, forum.

The columns carry different names

Now the analytical point, and it is the reason this module exists rather than merely listing.

These two columns cannot be netted, because there is no person or population for whom both are true.

The Roman citizen of 120 BC received the roads, the law, the security, the grain, the land allotments, and — after 167 — exemption from direct taxation altogether. He paid, over the preceding centuries, in military service, which was real and heavy, and which he had also voted for. The Epirote sold in 167, the Carthaginian sold in 146, the Corinthian sold in the same year, the Gaul killed at Avaricum and the man in the silver mines received none of the benefits and paid the whole of the cost. There is no ledger in which those entries sit together.

This is not a rhetorical flourish; it is the same structure the cost-column module identified, stated in its final form. The Republic's whole design, from the outward-pointing floor onward, was to source its revenue and its coercion from outside the citizen body. It follows necessarily that the costs and the benefits accrued to different populations, and it follows from that that the question *was it worth it* has no subject. Worth it to whom? For the Roman citizen the sum is overwhelmingly positive and was so throughout. For the populations that funded him it is not close.

Except that, in time, the columns did meet

And here the accounting has to be complicated, because the strongest thing that can be said for Rome is true and must be stated fully.

Within three or four generations, the descendants of the conquered were Romans. Gaul, conquered by Caesar in a war whose brutality this module has set out, produced senators within a century — Claudius's speech at Lyon, quoted at the opening of this study, is an argument for admitting them, and it succeeded. Spain, subjugated in the wars of the second century, produced emperors. The province of Africa, established on the site of the city destroyed in 146, produced a dynasty. The citizenship extended to all free inhabitants of the empire in AD 212.

That is a real and unusual fact, and no account of Rome that omits it is honest. It is also, precisely, a conversion of a cost borne by one generation into a benefit received by another — and three things should be said about it without flinching.

It was never the reason. Nobody at Carthage or Numantia or Alesia was acting on a plan of eventual incorporation, and the men who made those decisions would not have understood the argument.

It was always extracted rather than granted. Italy got the citizenship after a war costing perhaps a hundred thousand lives, on terms that had been refused for thirty-five years and that killed the man who last proposed them. The pattern set out in the module on liberty holds here too: the concession follows the leverage.

And it is unavailable to the dead. A grandson's senatorial career is not a payment to his grandfather. It is a real good accruing to a real person, and it does not close an account; it opens a different one.

So the honest statement is this. Rome killed and enslaved on a scale that the surviving numbers exaggerate and cannot conceal, destroyed cities and peoples by deliberate policy, ran a productive economy on human property for centuries, and then admitted the survivors' descendants to a share in what it had built, which was substantial and durable and is still in use. All of that is the same order. None of it cancels the rest.

Reading the accounting against the framework

The framework's accounting asks what the order cost and what it built, and expects the study to lay out the arithmetic and leave the sum to the reader. Rome requires a prior step, and that is this module's contribution.

Before asking whether an order was worth its cost, establish whose ledger is being kept. The question presupposes a single accounting entity for which both columns can be summed, and orders of this type do not have one. Rome ran four cost columns — citizen, ally, provincial, slave — and one benefit column, and the benefit column was addressed almost entirely to the first. The netting operation that the phrase *was it worth it* silently performs is therefore not a difficult judgement but an

invalid one, and it is invalid in a specific and diagnosable way: it aggregates across populations that the order itself was designed to keep separate. **Where an order's structure relocates cost outside the population that receives the benefit, its grim accounting cannot be totalled, and the demand for a total is itself a residue of the order's own perspective** — because the only party for whom the sum comes out positive is the party whose records survived.

That compounds directly with the study's other findings and completes them. The floor pointed outward, so the coercion fell on outsiders. The settlement was made by omission, so the land accrued to those already able to take it. The cost column was relocated in 167, so the revenue came from provinces. The channel of extraction was licensed rather than operated, so the taking was done by private parties. Every one of those mechanisms had the same effect on the ledger: it moved a cost across a boundary and left the benefit on the near side of it. An accounting that ignores the boundary reproduces the arrangement instead of describing it.

There is a second contribution, smaller and more uncomfortable, concerning the strongest defence such an order can offer. **The admission of the conquered's descendants is genuinely the best thing a conquest can produce, and it is also the argument most in need of watching**, because it is always made retrospectively, always by beneficiaries, and always about people who were not asked. Rome's citizenship really was open in a way no other ancient state's was; Philip V really did hold it up as a model; the Gauls really did reach the Senate. And every single extension of it was either bought with a war or carried as a factional manoeuvre by men who wanted something else. Crediting the achievement is required. Accepting it as the justification is not, and the distinction is the whole discipline of this module.

A note on sources. Figures are given as ranges wherever the evidence permits nothing better, and the ancient totals are identified as ancient. Carthage: the population figure of seven hundred thousand is Strabo 17.3.15, rejected as impossible by Warmington, who proposes around two hundred thousand with a possible earlier peak nearer four hundred thousand; the fifty thousand survivors sold is the standard figure, with Le Bohec proposing over fifty-five thousand; the six days of destruction and the taking of prisoners only on the final day follow Appian, *Punica*, and Polybius, who was present with Scipio's army and whose statement that the deaths were incredibly large is preserved in the fragments. Corinth in the same year is attested in Pausanias and the later epitomes, with the details of the killing and enslavement varying between accounts. Epirus in 167 derives from Polybius 30.15 through Livy 45.34 and Plutarch, *Aemilius Paullus* 29, and is an ancient round number treated with caution. For Gaul, the figures of one million killed and one million enslaved are Plutarch, *Caesar* 15, and

Appian; the total of 1,192,000 is Pliny, *Naturalis Historia* 7.92; these are rejected by Henige, Lot, Brunt and the mainstream of current scholarship, and modern estimates of Gaul's total population of eight to twelve million are cited to show what the ancient claims would imply rather than to support them. The archaeological deposit associated with the destruction of the Usipetes and Tencteri is Nico Roymans's, and its identification is a working hypothesis rather than a settled attribution. The figure of six thousand crucifixions after Spartacus is Appian, *Civil Wars* 1.120, unsupported elsewhere. Social War casualties are modern estimates with a wide range. Proscription totals follow the conservative reconstructions cited earlier in this study rather than the higher ancient figures. Polybius on the New Carthage mines survives in Strabo 3.2.10. Claudius's speech on admitting Gauls to the Senate is the bronze tablet from Lyon, CIL XIII 1668. The extension of citizenship to all free inhabitants of the empire in AD 212 is the Antonine Constitution, well outside this study's period and included only as the terminus of a trajectory. Modern scholarship (Brunt, Harris, Hopkins, Kiernan, Roymans, Riggsby, Goldsworthy, Warmington, Le Bohec) is paraphrased and credited, not quoted at length. Where a figure could not be given a defensible range it has been described rather than counted.

THE INSTRUMENT THEY NEVER BUILT

Module 12 · Convergence and Divergence — what this order shares with the conquests in this collection and where it departs from all of them, what it returns to the framework, and the strongest case against everything the preceding eleven modules have argued

Set the Republic beside the colonial orders in this collection and a good deal of it is familiar, which is the first thing worth saying, because a case that diverged at every point would teach nothing.

The recursion holds. Rome met no aboriginal baseline and constituted none. The city the Republic inherited was itself a build — a cluster of Iron Age huts converted into a monumental city inside a century by kings whom Rome's own tradition remembered as foreigners arriving with armed followings — and by 509 the calendar, the priesthoods, the assembly ground and the great temple were simply the way the world was. The Republic then kept nearly all of it. What the framework says about conquerors meeting naturalised former conquests is confirmed here as firmly as anywhere in the collection.

The Default behaved as predicted, and fractured where predicted. A hierarchy arranged so that each stratum defends the whole by defending itself; a fracture originating not with the ruled but with a tier that had standing, means, and no share. The Italian allies are structurally the same object as the évolués, the chiefly houses and the creole elites in the colonial studies: competent, propertied, indispensable, and shut out. They broke when exclusion was joined by extraction, and their rebellion took the form the framework predicts for such a tier — a duplicate of the arrangement they had been refused, with their own consuls and their own senate.

Liberty came from factional residue. Nothing in the Roman record supports the view that the ruled won their protections. The tribunate, the appeal, the published legal procedure, the secret ballot, the end of debt bondage: every one traces to a fight inside the hierarchy, and the greatest single opening of the legal system to ordinary use came out of a patrician's private war against his own order, executed by his clerk.

Change came from the elite side, without exception. Slave armies beat consular armies for two years and altered nothing. Every movement that changed anything was

led by a member of the governing class using a constituency below as leverage against rivals above.

And extraction was sorted by caste. The graded tariff — what may be done to a citizen, an ally, a provincial, a slave — is the same mechanism the colonial studies found, running on legal status rather than on descent, and stated aloud by Cicero rather than concealed.

Where Rome diverges, and why

The divergences are more instructive, and every one of them has the same root.

There was no metropole. This is the master difference. In every colonial case the seam runs across water: what the home public is told and what the conquered live are different things, and the order's central task is keeping the two ends apart. Rome had no such geometry. The man who governed Sicily sat in the Senate the following year; the men who voted the war fought it; there was no distant public whose belief had to be managed and no home government whose will could empty. The consequences run through the whole study. No reversed robe — Rome's legitimating apparatus was cut neither for the conquered nor for a metropole, but for the governing class itself, fused with the offices it validated. No collapse driven from the imperial centre losing interest, because there was no centre separate from the conquerors. Rome's collapse was internal to the governing class and unrelated to any exhaustion of will.

The floor was the governed. In the colonial orders the armed force stands over a population that is not the force. Rome's army was its citizen body, sorted by what each man could afford to arm himself with, assembling in spring and dispersing in autumn — and the assembly that elected its commanders was that same army in the same equipment classes. That single fact generated the study's first correction to the framework: an order can show none of the tells of coercion because its floor is pointed outward, not because its belief has taken.

Formation was never built, so it could not be withheld. The colonial prediction — an apparatus constructed and then denied to the majority — has no purchase here, because Rome had no schools, no curriculum, no examination and no doctrine. Exclusion was achieved by the pipeline being a set of private houses.

And the citizenship expanded. This is the sharpest divergence in the collection and it should not be softened. The defining refusal of every colonial order examined in this project is to admit the conquered on equal terms. Rome admitted them: freed slaves became citizens outright; defeated enemies were absorbed; the whole of Italy was enfranchised; the descendants of Caesar's Gauls sat in the Senate within a century. It was slow, it was extracted at gunpoint more often than granted, and it was frequently a

factional manoeuvre. It also actually happened, repeatedly, over centuries, and no other ancient state did it.

The root of every divergence

Gather those and one feature accounts for all of them, and it is the finding this study returns to the framework as its principal contribution.

Rome's characteristic move was to decline to build the instrument, and let the gap be filled by something already present.

The list is now long enough to be conclusive. It never wrote a constitution: the supreme authority was ancestral precedent, unwritten and interpretable by every member of the governing class. It never built a mechanism to compel a magistrate: the gap was filled by the man's own expectation of forty years among his peers. It never divided the bulk of the conquered land: the gap was filled by whoever had the herds, the slaves and the standing to occupy it. It never built schools: the gap was filled by private households. It never built a revenue service: the gap was filled by contractors who bid at auction. It never built an audit of its governors: the gap was filled by the complaints of the injured, years late, before juries of the accused's peers. It never built a court to defend a liberty: the gap was filled by an oath to kill anyone who touched a tribune, and by whatever else a threatened party was willing to do.

Every one of these was cheap at the point of decision, which is exactly why it was chosen — men solving the problem in front of them with the materials to hand, and no reason to build an apparatus when something already present would do the job this year. And every one had the same long property. **The party that fills a gap accumulates the position, and because there was never an instrument, the position cannot be revoked.** There is no grant to cancel, no register to correct, no statute to amend, no office to abolish. This is why the land could not be recovered without a commission with judicial power and a killing in the street; why the tax companies could unseat a proconsul; why the mines that had paid the Roman people twenty-five thousand drachmae a day ended as private property; and why a commander with a decade in Gaul could not be brought home.

The same feature was the capability

Which brings the study to the first of the two counter-positions it must answer, and this one is straightforwardly correct.

Everything named above as a bill was also the reason Rome won. A state with no bureaucracy carries no bureaucratic cost. A state that auctions its taxes has its revenue

on the day of the auction, with no staff, no salaries, no collection risk and no idle apparatus in peacetime. A state that forms its rulers by apprenticeship and ten years in the field produces commanders who have done the job rather than examinees who have studied it. A state that lets possession ripen into title gets marginal land put to productive use without surveying a single acre. A state whose army is its citizen body can mobilise a fraction of its population that no professional force could match, and did — the survey of 225 BC found seven hundred thousand men liable to serve, against the twenty thousand Hannibal brought into Italy.

And Rome beat, in succession, every well-administered state in the Mediterranean. Carthage had a professional administration and a monetised economy. The Hellenistic kingdoms had the finest bureaucracies of the ancient world; Ptolemaic Egypt had a revenue apparatus so thorough that its papyri are still being catalogued. All of them lost. The lean, un-instrumented, improvising order beat every centralised rival it met, and it did so for two hundred years without a single administrative reform worth the name.

The correct answer to this counter-position is not to resist it but to state the identity it reveals. **The omissions were not a design flaw carrying a hidden bill; they were the same thing as the capability, and cannot be separated from it.** The state that could conquer the Mediterranean without a bureaucracy is precisely the state that could not reabsorb the men who conquered it. The arrangement that made command impossible to keep — annual, doubled, surrendered — is the arrangement that had to invent prorogation the moment a siege outran a year, and prorogation is what produced Pompey and Caesar. There is no version of Rome that keeps the conquest and loses the collapse, because the same absence produced both. That is not a moral judgement about Roman choices. It is a structural fact about what an order of that shape can and cannot do, and it is worth carrying to the rest of the collection: **an order's characteristic failure is usually its characteristic strength, arriving later.**

The counter-position that cuts at the method

The second objection is harder, and it is aimed not at Rome but at this study.

It runs like this.

You have described a machine of self-interest and omission, and you have missed the thing that made it run. Romans believed in the arrangement. The mos maiorum *was not a convenient vocabulary for men doing what suited them; it was a demanding ethic, sincerely held, that made men do things against their own interest — and your account has no room for it, because your method can only see constraints.*

Look at what your model cannot explain. For four centuries no Roman magistrate was killed by Romans in a political dispute at Rome. Dictators laid down absolute power, repeatedly, often long before the six months expired, when nothing but custom required it. Scipio Africanus, the most successful commander of his age and the conqueror of Hannibal, withdrew from public life to a villa in Campania rather than fight a prosecution he had the popular support to win. And Lucius Cornelius Sulla — who had marched on Rome, won a civil war, proscribed his enemies, and held a dictatorship with no time limit and no colleague — abdicated it in 79, dismissed his lictors, and walked in the Forum as a private citizen offering to answer to anyone who wished to accuse him. Nobody made him. Your model says the Default held because defeat was survivable and a man had forty years among his peers to consider. Sulla had already destroyed that mechanism himself, and had nothing whatever to fear from anyone, and he stepped down anyway.

And take your own best case. In 88, when Sulla marched on Rome, his senior officers refused to go with him — all but Lucullus. You explained the refusal by shared expectation. But Lucullus had exactly the same expectation, and he went. Your model prices the situation identically for both and gets two different answers. What differed was the men. Which is to say: character, formed by exactly the robe you have described as merely procedural — a thing kept up for the opinion of the vulgar.

That objection is serious and it should not be handled by conceding a little and moving on.

What can honestly be said to it

Three things, and the third is a concession.

First, on the evidence. A great deal of the restraint tradition is tradition. Cincinnatus is a legend. The early dictators who laid down power are known from an annalistic account written four centuries later by members of the families being praised, at a moment when Romans urgently needed to believe their ancestors had been better than they were. The claim that no magistrate was killed at Rome before 133 rests on a record that is thin for the early period and may simply not report such things. Scipio's withdrawal is contested in its details and was, on any reading, also a man losing a political fight and choosing where to lose it. This does not dispose of the objection; it narrows the evidence to what is firm. And what is firm is still remarkable: Sulla's abdication is not legend, and it is not explicable on the study's model.

Second, on what the model claims. This study has argued throughout that positions constrain, not that they determine. The framework's own discipline is that a position sets what a man can see and what it will cost him to act, leaving what he does

inside that space to him. A model of constraints predicts distributions, not individuals: it says that where losing became terminal, competitors would start fighting to win permanently, and that is what happened across the class as a whole. It does not say that every man in that position marched, and Rome demonstrates that not every man did. Lucullus went and the others did not, and the study has no account of the difference and should not pretend to one.

Third, the concession, and it is the real one. The method used here systematically illuminates why nobody *had* to defect and systematically cannot explain why, for four hundred years, almost nobody did. Roman restraint is a residual — the part left over after the incentives have been accounted for — and a residual that large is not noise. Something was doing work that this study can describe from the outside and cannot get inside: an ethic, transmitted in households, enforced by the judgement of peers whose good opinion men wanted more than they wanted power, and real enough that the man who had destroyed every constraint on himself still handed back the office. Naming it *auctoritas*, or *dignitas*, or the custom of the ancestors, is not an explanation; it is the Roman word for the thing.

What this study can add, honestly, is the observation that made the second module's finding and the eighth's: **a belief that has become the furniture of reality is not thereby a fiction, and its being built does not make it weightless.** The *mos maiorum* was constructed — accreted, as Cato said, by many men over many generations, each fixing the last failure with the materials to hand. It then became genuinely real, and it genuinely restrained men who had every incentive and every opportunity to ignore it, until the incentives shifted so far that only the exceptional individuals held. That is not a refutation of the position-logic method. It is the boundary of it, and the boundary should be marked rather than argued past.

What the study returns to the framework

Stated compactly, and each already argued in its place:

That where a capture is internal rather than external, the robe is not replaced but re-tenanted — and the way to identify such a capture in a thin record is to inventory what the new order left standing.

That before reading a quiet order as a believed one, one must establish which way its floor is pointing, because a force composed of the governed and aimed outward leaves the internal dials reading near zero.

That a settlement can be made by omission, and that a settlement made by silence can only be undone by a fight, because there is no instrument to revoke.

That a procedural robe is strongest where least used, inverting the surveillance tell that applies to a robe made of conviction.

That formation by household apprenticeship is self-restricting and needs no policy of exclusion — and that such an order will treat purchasable, replicable formation as a threat and say so in the language of ancestral custom.

That a cost column is not emptied but relocated, so that a population bearing almost no cost of compliance should prompt the question of where the cost went rather than the conclusion that the belief took.

That extraction without a revenue apparatus is licensed rather than performed, and a licensed channel accrues to its licensee — the tell being not the volume extracted but who announces it.

That where sovereignty requires physical presence, distance is disenfranchisement and no censorship is required; and that transparency measures are introduced by the party losing the procedural fight and withdrawn by the party that has won it.

That a durable Default distributes renewable chances rather than fixed shares, so that its health is measured by the cost of losing rather than by the size of the distribution.

That the liberties an order possesses map onto what its second tier needed to win its fight with the first, and that a protection fails when its enforcers stop acting rather than when it is repealed — the tell being a case in which nothing happens.

That a rising can lose without losing militarily, when no faction above has a use for it; that the exhaustion crack can run backwards, an order being broken by wars it wins because success consumes its capacity to reabsorb its commanders; and that an apex change repricing no stratum below the apex is the cheapest structural change available and therefore the one that succeeds.

That a grim accounting cannot be netted where the cost column and the benefit column carry different names, so the prior question is always whose ledger is being kept.

And that an order's characteristic failure is usually its characteristic strength, arriving later.

The last word, which is not a verdict

The Roman Republic was an arrangement of men solving the problem in front of them with the materials to hand, over four and a half centuries, none of them building a state and all of them building one. Its own most acute observers said so at the time. Polybius, admiring it more than any Roman required him to, wrote that the Romans had reached their constitution not by reasoning but through the discipline of many

struggles and troubles, always choosing the best course in the light of experience gained in disaster. Cato, through Cicero, said it was the work not of one man's genius but of many, and not of one lifetime but of several centuries. And Claudius, listing its instruments to the Senate on a bronze tablet — the dictatorship, the tribunate, the decemvirate, the military tribunes with consular power — described each of them with the same word: *repertum*. Hit upon.

That is the whole of the method this study has tried to keep faith with, and the Romans stated it better than the framework does.

What they built with it killed on a scale that its own sources exaggerate and cannot conceal, ran on human property for centuries, destroyed two great cities in a single year, and ended by destroying a large part of its own governing class. It also produced a body of law under which a substantial fraction of humanity still lives, a citizenship that could expand to include the people it had conquered, and the idea that a state might be a thing belonging to its people rather than the property of a man — an idea that has been picked up by nearly every subsequent attempt at government without a king, generally still wearing the Roman vocabulary.

Both of those are the same order. Neither cancels the other, and the demand that they be netted is, as the previous module argued, a residue of the winners' perspective rather than a question with an answer. What is left is the arithmetic, laid out as accurately as the evidence permits, and the reader — who is also standing somewhere, in some position, with some interest in how the sum comes out.

A note on sources. This module argues from material established and referenced in the preceding eleven and adds little new evidence; where a claim appears here without citation, its support is given in the module that established it. Polybius on the Roman constitution arrived at through struggles rather than reasoning is *Histories* 6.10.12–14; Cato's judgement, reported by Scipio, is Cicero, *De Re Publica* 2.1.2; Claudius's catalogue of Roman constitutional inventions is the Lyon bronze, CIL XIII 1668. Sulla's abdication of the dictatorship in 79 BC and his subsequent conduct as a private citizen are reported by Appian, *Civil Wars* 1.103–104, and Plutarch, *Sulla* 34; his motives were disputed in antiquity and remain so, and no explanation is adopted here. Scipio Africanus's withdrawal to Liternum is variously reported and the circumstances of the prosecutions against him are confused in the sources. The claim that no Roman magistrate was killed by Romans in a political dispute at Rome before 133 BC rests on the annalistic tradition and is offered as what the record shows rather than as a certainty, with its thinness flagged. The scholarly dispute over how democratic the Republic actually was — Fergus Millar's argument that the sovereign people genuinely decided and that politicians had to persuade them, against Henrik Mouritsen's case

that the assemblies were small and unrepresentative and Robert Morstein-Marx's that the *contio* was ideologically constrained — is live and unresolved, and readers should know that this study's emphasis on foreclosure sits nearer the second and third positions than the first. Comparative claims about Carthaginian and Ptolemaic administration follow the standard treatments and are offered as characterisations rather than measurements. Modern scholarship throughout the study (Cornell, Brunt, Badian, Beard, Flower, Hölkeskamp, Millar, Morstein-Marx, Mouritsen, Roselaar, Rosenstein, Harris, Lintott, Crawford and others named in their places) is paraphrased and credited, not quoted at length. The framework of the four cracks in the module on change is Thomas J. Bryan's *Elite Chaos*.